

W.M.E. SISULU

ON RESUMING ON THE 21ST APRIL, 1964

WALTER MAX ELLIOT SISULU, still under oath

EXAMINATION BY MR. FISCHER (CONTINUED):

Mr. Sisulu, you will remember you referred yesterday to the document called "African's Claims" which was framed after the Atlantic Charter had been published, and it was framed by a Committee appointed, I think it was in 1943? --- That's correct.

At a conference of the A.N.C. and this was published in 1945? --- That's correct.

I don't want to weary the Court with the programme which speaks for itself, but in many respects it's just the forerunner of the Freedom Charter? --- That's correct.

That is the bid of violence? --- That's correct.

There is even a claim for re-distribution of land? --- That's correct.

But what you wanted to refer to I think, in this connection, was the composition of the committee which drafted this? --- That's correct.

What do you say about that? --- Well, I say that was the claim of the African leadership. It consisted of leading intellectuals, leading business men, conservatives and Communists, all united by their desire to achieve freedom for themselves and for all the people who have made South Africa their home.

To achieve freedom along the lines which you have discussed? --- That's correct.

Now just to mention some of the names, the names appear at the back of this volume which I shall put in as an exhibit, and some of them are described, their capacities? --- That's correct.

Are they correctly described here? --- That's

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correct.

That some of them are not described. I'll just mention two or three of them. Mr. Baloyi was a business man on a very big scale? --- He was a leading business man who owned a fleet of buses.

Then the Reverend Jame Tgalata, who is a Canon in the Agnlican Church? --- And a leader of the inter-denominational Ministers' Federation.

Mr. Godlar was a member of the Native Representative Council, and also President of the Vocation Advisory Board? --- South African Vocation Advisory Board.

Just to skip a few Mr. Moses Katani was Secretary of the Communist Party? --- That is correct.

And then one had people like the Trade Unionist Mr. Makabeni, and Chairman of various Teachers' Associations? --- That's correct.

So it was a completely mixed committee? --- That's correct.

EXHIBIT 'DK' handed in. Now Mr. Sisulu as a background to what eventually made the African National Congress agree to permit sabotage, what happened to all those efforts which had been put forward in 1945? --- Well, I'd like to mention that both in policy, programme and practice, the African National Congress adopted the most reasonable and sober attitude for the unity and harmony of it's citizens. They had been reasonable and tolerant for years, but the Europeans of this country through their political representatives, were not prepared to accept the line we have chose to a peaceful settlement of all problems by negotiations. Instead they chose to make South Africa an armed camp.

Now this is the background to what you did in June 1961? --- That is the background to what we did in June '61.

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Well it should be clear my lord, with the banning of the meetings, banning of organisations and suppressing all legal methods, it was not possible for the Africans to accept this situation. No self-respecting African would accept this situation.

In fact, Mr. Sisulu just to get it on record, by May 1961, was there any method in which an African organisation could protest in any way whatsoever? --- By May 1961?

Yes? ---Well, we had been using strikes and boycotts but as I had said earlier, that ...

Yes, but those were all illegal ...? --- They are illegal, but each time they brought about more measure to suppress, and as I said earlier, that the strike in May new measures were brought about to suppress it. Twelve-day detention, for instance was brought about.

Yes, it was introduced at this stage? --- Yes.

That was the rule under which a person could be detained for twelve days without any charge at all? --- That's correct.

Now with that background, I want you to tell the Court when this matter came to be considered in June 1961, what were your views? --- ...

There was a decision taken? --- I supported the view that the time had come even to resort to methods such as sabotage. I supported that view in the National Executive. I myself had listened to a statement made in Court here by Mr. Nelson Mandela. I chose the same road for the same reasons, that we had to change our attitude. We could not continue preaching non-violence in a situation which was becoming impossible.

As far as you personally were concerned, you joined Umkonto We Ziswe? --- It was felt that it would not be in the interests of the whole movement, that both Mr. Mandela

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and myself should join Ukomto We Ziswe. For that reason I did not.

Did you have any...? --- I was kept in touch with the leadership of Umkonto We Ziswe. There were times, as I'll show later, when I had to attend meetings of Umkonto We Ziswe.

So you did not actually join Umkonto We Ziswe --- I did not join Umkonto We Ziswe.

Did you feel you had any particular aptitude for it? --- Well, I didn't really have the aptitude for it.

So you were kept informed as you say. Now on what sort of matters particularly, were you kept informed? --- I was kept informed by the National High Command on matters which had a bearing on political questions.

One other aspect of that decision Mr. Sisulu, did it have an affect ... did this decision to permit the establishment of such an organisation, have any effect on the policy of the A.N.C. itself? --- No, not at all. The policy of the A.N.C. continued to be what it was, except a change only in one respect. That is they had decided that they would no longer go out and preach non-violence, but that they would not themselves, change the organisation into a violent organisation.

Now Mr. Sisulu in October 1962, I think you've told the Court, you were placed under house arrest? --- That is correct.

That was just after you had made arrangements for the Lobatsi Conference? --- That is correct.

Did that precede the conference, or come after the conference? --- I had gone to Bechuanaland and made preparations for the conference. I heard during that period this house arrest order was issued. I came back home because I wanted to be home when they issued the order. I had no

intentions of leaving the country, and it was served on me a few days before the conference, so I did not attend the conference.

And the evidence that was been given to the contrary? --- That will be incorrect.

Now I take it that the house arrest made it difficult for you to attend meetings? --- It made it very difficult, because meetings are held at night, and I could only meet people secretly and quickly and during the period I'm allowed to be out, whilst it was twelve hours.

Now for that and for other reasons, there followed a certain overlapping of functions. Could you just explain that? --- Yes, the banning orders and also the fact that some of the people lived in the country, made the work a little bit difficult, and there was overlapping. That will be seen for instance, in the letters which were found at Tswabalin(?), but there was this overlapping. People who were serving in two capacities in the Umkonto We Ziswe as well as in the African National Congress ...

I don't think it's necessary for you to demonstrate to the Court, but it will be seen from the letters that many of those letters, say the last three months four months before July deal with both A.N.C. matters and with Umkonto matters? --- That's correct.

I suppose there were other difficulties as well Mr. Sisulu? --- Yes, there were difficulties. For instance, ...

I want you to deal specifically with Exhibit 'WW' if you can remember what the history of that was? --- Yes. For instance, in regard to that exhibit it was drafted by a member of Umkonto We Ziswe, and he was also a member of the A.N.C. The draft was brought to the members of the Secretariat.

That's the A.N.C. Secretariat? --- The A.N.C. Secre-

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tariat. I myself saw the draft. The Secretariat then recommended that a portion which was clearly intended for Umkonto We Ziswe, that is the last portion I think on the left-hand, should not be included in the leaflet. There were one or two other amendments which I cannot remember now, but the document was issued as it was originally drafted. I got to know later the reason for this. There were two copies and the amended copy was not handed over to the printers, and the printers went ahead. Our Technical Committee dealt with that aspect of the work, the distribution of leaflets to the various regions.

In fact, were there protests about this leaflet? --- Natal did not distribute it all, because they thought it was not keeping with our policy, in the sense that it made Umkonto We Ziswe as if it was one with the African National Congress. There was controversy in the Transvaal, but I understand in the Transvaal it was distributed. I myself got the leaflet only in May when I emerged hiding den, to begin my political activities.

And by that time of course it was distributed, it had already been distributed? --- By that time it had already been distributed.

Now Mr. Sisulu, I want you to deal with the position of you and Nokwe who were both facing certain charges? --- Both ...?

You were both on the National Secretariat in the A.N.C.? --- Both Mr. Nokwe and I were in the National Secretariat of the A.N.C. and we were both facing charges under the Unlawful Organisation Act, and other charges like incitement. There was a feeling that we might have to go to gaol, and in any event there were the restrictions which made the work of the National Secretariat much more difficult and required more

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people in it.

What decision was taken as a result of that? --- The National Executive discussed the situation and decided that Mr. Govan Mbeki should be brought into the National Secretariat.

He was in Port Elizabeth at that stage? --- He was in Port Elizabeth at that stage, although he had attended the conference at Lobatsi, he was present at the discussion, so he requested that he should be allowed to go to Port Elizabeth, make arrangements with his employers. He had accepted the position that he would serve on the National Secretariat.

And did he eventually make those arrangements? --- He made those arrangements and came back to Johannesburg.

When was that? --- this was I think the end of November or beginning of December, 1962.

And as from that date he was on the National Secretariat? --- He was on the National Secretariat.

Subsequently, was he also served with some banning orders? --- In April he was served with the house arrest order, but the Nationala ...

Just pause for a minute there – that would have confined him to what? --- To Port Elizabeth, he was asked to leave Johannesburg and go to Port Elizabeth, but he was advised that the National Secretariat to ignore the order and go underground. That is how he went to Rivonia.

That is how he came to Rivonia? --- Yes.

That was then in April 1963? --- That was in April 1963.

Then I think you've told us that the National Secretariat, having charge of the external correspondence of Umkonto We Ziswe? --- That's correct.

Who handled that correspondence? --- Before Mr.

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Mbeki, Mr. Nokwe handled the correspondence. He had a contact with the National High Command. Matters which had to be referred to the external mission were brought to his attention.

And he handled the correspondence? --- And he handled the correspondence. After him Mr. Mbeki handled the correspondence.

So they handled their correspondence as members of the National ...? --- Members of the National Secretariat.

In fact, when did Mr. Mbeki take over that correspondence? --- In January.

That is before he had his house arrest? --- Yes, before he had his house arrest.

And before he had come to Rivonia? --- Before he went to Rivonia.

Now Mr. Mbeki will tell the Court that he was also a member of the National High Command. How does that come about? --- Well, he was approached by the National High Command when he was in Rivonia, to join the High Command, and he accepted the position, and this made the work easier, because he was a man who was also handling the external correspondence of the Secretariat.

Was there any particular reason for asking him to join the High Command that you know of? --- Well, I don't know if there was any particular reason, except that he was available at the time.

So thereafter he remained on the National Secretariat to attend to the external correspondence of the National High Command as well? --- That's correct.

Incidentally, this is perhaps the appropriate place Mr. Sisulu, the indictment alleges in addition Accused Nos 1,2 and 4, it also alleges that Accused No. 3, 5, 6 and 7, were on the National High Command? --- As far as I know, not.

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They were not.

You on occasions, attended the High Command meetings? --- That's correct.

Were any of them ever there? --- No.

Would you have known if they had been on the High Command? --- I knew the members of the High Command, I was also told of the members of the High Command. I would have known.

Then just to wind up on this aspect of the matter, your ... I don't we've dealt with this, your house arrest was extended in April 1963 from twelve hours to twenty-four hours. --- That's correct.

And did the National Executive take any decision with regard to this? --- The National Executive decided that I should not go to gaol. I was convicted then, that I should not go to gaol, my services would be required outside, and that I should leave my home and go underground, and then in April somewhere towards the end of April, I went underground.

When did you arrive at Rivonia? --- In June, 1963.

Having gone into hiding in April? --- Yes.

Now Mr. Sisulu, at the time that you went into hiding what was the main plan of the African National Congress? --- At the conference in Lobatsi, the question of the removal of the people in the Western Cape was highlighted as well as the question of re-organisation of the rural areas. The Executive discussed this question after a report was given by Mr. Mbeki who had gone to Cape Town in January.

Now this is a later time. It had been highlighted in October? --- In October. In January we got a report of the actual situation in Cape Town from Mbeki.

Yes? --- It was clear that the position was very desperate there. The people were contemplating, not only in burning passes because of the viciousness of the pass laws there. They were in fact, contemplating actual violence. We

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thought that we should plan an anti-pass campaign, not only in relation to the Cape Western but to plan it on a national scheme, so that the Western Cape would merely spark off, but other areas would thereafter join. We were making then these preparations at the beginning of the year.

Mr. Mbeki will tell us precisely what he found in the Western Cape, but just briefly what you acted on was a report which dealt with the removal from the Western Province of the Africans living there? --- That's correct.

That was at the time when the so-called Icelan line was in force? --- Yes.

Was your understanding that the situation was very serious? --- Very desperate indeed.

When you talk about the possibility of violence which was reported, just tell the Court what you mean by that? --- Well ...

Was that sabotage, or was it something else? --- No. According to Mr. Mbeki's report, the people there were contemplating marching to town and just carrying on violent actions and destruction of shops and molesting Europeans. He stopped that situation.

Yes, that we'll hear from him. Now on the other hand, you say that was one plan, the other plan was to deal with rural areas? --- Yes.

Just expand that slightly please? --- Well you see although the question of the rural areas came up from time to time in the A.N.C., but with the increasing difficulties, it was felt that we should step-up the question of the rural areas.

That's to say organisation? --- Organisationally.

Yes. Now in connection with the anti-pass campaign how did the National Executive vizualise that that might

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END? IF IT WERE SUCCESSFUL? --- Well, the plan was that it will culminate in a national strike, and also it was contemplated that at some stage, there might be burning of passes. So we were working on both these lines, that we should prepare the people for the national strike and for the burning of passes. We had in mind that by June we might be ready for the nation strike.

Now did that, in fact, materialise? --- It didn't. When the 90 days was introduced we re-examined the situation and the difficulties were increased by the 90 days, and the idea of a strike by June the 25th was relegated to the back. It was not completely abandoned, but it was not a possibility by June the 26th.

Incidentally, I think there's one of the letters "E.29" that deals with these? --- Yes, I do know that there were directions which were given to the regions and branches about this particular campaign. It was after all, the major campaign of the A.N.C. for 1962.

Well, when the idea of a national strike was pushed into the background, on what did the A.N.C. then concentrate? --- I'm sorry, I didn't follow that.

When the possibility of a general strike for June fell into the background, on what did the A.N.C. then concentrate its attention? --- Well it concentrated its attention on re-organisation in order to fit in the positions of the people who might be collected during the detention, people who might be collected for 90 days, and also concentrated its attention to the re-organisation of the rural areas.

Now I want to come Mr. Sisulu, to the document the contents of the document "Operation Mayebuya". During the latter part of 1962 and the early part of 1963, was there talk about changing from sabotage to something else?

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--- Yes, during the Labotsi conference some members of the National High Command met with the external mission, that is our men abroad who had attended the conference, and discussed the question of stepping-up the training of our men. Also during this time, I think at the beginning of the year, Arthur Goldreich who had been abroad came back very interested about the guerilla warfare plans. During March/April the press gave publicity to the plans of the Pan Africanist Movement to bring about revolution, so that this was the period when people were talking a great deal about the guerilla warfare.

Incidentally, in your opinion Mr. Sisulu, is guerilla warfare something which can be prepared overnight, or will it take a period? --- Not at all, although I have made criticism of certain aspects of that pamphlet, I think that pamphlet also makes it clear, that is "WW", it's a matter which we take very seriously. The leaderships of the African people consider that a very serious matter, that is why, when they gave permission for the training of our youth an emphasis was laid that should it be necessary to consider anything else, it will have to be brought to the attention of the National Executive, because we consider this a serious matter and the plans would take a very long time to prepare for such a thing.

When you say anything else, do you mean anything other than sabotage? --- Yes, anything other than sabotage.

Now I take it there were different schools of thought about this, what you've indicated? About the possibility or the advisability of trying to involve guerilla warfare? --- At this stage there was unanimity, that we are not contemplating, the Executive was certainly not contemplating guerilla warfare.

I'm talking generally amongst the African people? --- Yes, there was a general talk amongst the African people.

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And there were people who favoured guerilla warfare? --- There were people who favoured guerilla warfare.

Immediately? --- Yes, as a matter of fact, I have mentioned the name of Arthur Goldreich. There was a discussion in the circles of the High Command, there were groups which were forming and considering that this matter must be brought officially to the attention of legislative. A GROUP did form which was to lead them. I was later informed by Mr. Mbeki, whilst I was in hiding that he had had discussions for instance with Arthur Goldreich, but they were planning that guerilla warfare should be discussed, with the High Command.

At this stage, you were not yet at Rivonia? --- I was not at Rivonia.

What attitude did you adopt? --- I thought that it was a matter which required immediate attention and that it should in fact, be discussed officially, and I suggested that a meeting be called of the High Command which I would myself attend, and the meeting was called at the end of April which I attended. In that meeting there were no plans. I raised the matter that this has come to my attention and we would like the members of the High Command to know that if they should consider a matter like this, they should know that we attach a great deal of importance to such plans. There should not just be loose talks. Then I was informed that they are, in fact, working on a plan which was to be submitted to the National High Command, and that Arthur Goldreich, who was not a member of the High Command, was part of the group which was working on this plan, and it was suggested that he should be allowed to attend the next meeting with a concrete plan, which was then to be presented to the High Command.

And did you say anything about your being present? --- Yes, I did. I said that I would be available at meetings at

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which such a plan will be discussed.

BY THE COURT TO WITNESS: I don't know if you're quite clear. You say these plans would be submitted to the National Executive in due course? --- No my lord, the plans would be submitted to the National High Command.

And via them to the National Executive? --- Then from the National High Command they would have to go to ...

They would then have to go to the National Executive? --- That's correct.

EXAMINATION BY MR. FISCHER (CONTINUED):

Now Mr. Sisulu, I don't know whether you know about this person or whether you have been told about it, whether there was any discussion about the A.N.C. plans for rural areas and the Umkonto plans for the rural areas? --- Well, I do know that ...

Was this reported to you? I just want to be clear? --- Yes.

By whom was it reported? --- Well, I was trying to explain that, that there was a discussion for instance, between Arthur Goldreich and Govan Mbeki about the ... Arthur Goldreich enquired from Mbeki ...

One moment, I don't want to stop you, if my learned friend doesn't mind your telling him this, but this was reported to you by Govan Mbeki? --- That's correct.

You weren't present? --- No, I wasn't.

Just tell what you were told? --- You see he enquired from him about the A.N.C. regions in the rural areas, how they were working, and then Mr. Mbeki explained to him which regions were functioning, and which areas were being contemplated to being organised by the A.N.C.

Well now you say then, that the idea was that a plan would be submitted to the National High Command and that you would be present? --- Yes.

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Did that occur? --- Yes. In May a meeting of the National High Command was called.

Mr. Sisulu, just before you go on, can you be certain of any particular date? --- No, no, I wouldn't be certain of dates, but this was ...

What part of May? --- It was early in May. A meeting of the National High Command at which I was present, discussed the plans.

BY THE COURT TO WITNESS: Is that the guerilla warfare plans you're talking about? --- The guerilla warfare plans. The document which has been submitted here ...

EXAMINATION BY MR. FISHER (CONTINUED):

That is Exhibit 'R.71'. --- I don't know the exhibit. "Operation Mayebuya".

That was submitted? --- That was submitted and a discussion was then led by Arthur Goldreich. Now the reason for appoint him, it was explained was that he had an extensive knowledge about this, the guerilla warfare or military science. He was himself a Commander in Israel and he was also a very enthusiastic man about this. He had had discussions too about guerilla warfare in his trip abroad, so that those who were suggesting this, had confidence that he would be the best man to submit this plan. Although he was not a member of the High Command, he actually led the discussions on "Operation Mayebuya".

And the document which is now before the Court, is the very document which was presented? --- Which was presented.

Well his lordship can analyse the document for his own sake. It's partly an argument and partly a plan, is it? --- That's correct.

And I think that the regions mentioned in this plan, corresponded with the African National Congress regions?

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--- Yes, that's correct.

That's the rural areas? --- Yes.

Now what ... can you remember what was discussed in regard to this plan, at this meeting where you were present? ---Yes. There were two views, there were people who urged immediate adoption of the plan, who maintained that it was a suitable proposition. As you will see from the plan itself, they argued along those lines outlined in this plan, that it was a feasible proposition and it could be taken ... undertaken within a short space of time, but there were others who felt that this is a very serious matter. It's a serious departure from what we have been doing and it requires, therefore, a very serious consideration. The plan itself, although it had terms to argue the case, was not quite sufficient, it was lacking in details, and that some people felt that the time for guerilla warfare was not yet at any rate, but we could still use mass action in committing sabotage. These were the views which were expressed by the other side. Mr. Mbeki argued that he could not, he was a new man, he could not make up his mind one way or another, but he, however, felt that a plan of this nature must be laid with our political activities, and that it should not cloud the issue which the African National Congress considered to be the main issue in 1963, namely the anti-pass campaign, and the strike which was being contemplated.

You say it lacked details? --- It lacked details.

Did it really give any detail at all? --- Well, the people who drafted it considered that they provided what was necessary, but it had no details as far as we were concerned. For instance, how much it would cost, what material was required, and things like those as I say, were not available.

And there's a provision for instance, in the document for a report by committees? --- Yes, it is in that particular

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meeting for instance, where a decision was taken to appoint a committee ... a logistic committee.

Called the Logistic Committee? --- Logistic Committee under the Chairmanship of Mr. Goldreich.

We'll come to that in a moment. There's also a reference to reports by committees I think, by the 31st of May? --- The plan has suggested that.

Now in fact, were there any reports, either by the 31st of May or at any time prior to your arrest, by sub-committees? --- Well, we are discussing now the beginning really of May. The meeting was at the beginning of May, do you mean later on?

I'm jumping ahead I'll come there presently. --- Yes.

Just while I'm dealing with this Mr. Sisulu, I don't think you've made plain what your own attitude was? --- My attitude was that the National High Command would ... must know that a matter like this will require the fullest attention of the movement, but I had not yet made a study of the document as such, but even from the little that I was able to observe, it appeared to me that the question of guerilla warfare is not quite a feasible proposition at this stage, and that the document in itself did not seem to me to argue a case sufficiently.

Apart from the feasibility of it, was this a decision which was merely a military decision, if the decision had to be taken? --- No, it would be a political decision of far reaching importance.

Now I want to digress for a moment to deal with two other documents which have been placed before the Court, and those are Exhibit "R.54 and R.58". Those are the speakers' notes for Umkonto organisers and the syllabus – the shorter document. What did you know about these documents? ---

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The question of lectures was also raised in that meeting. Mr. Goldreich said that he was working on the lectures and then he wanted to be authorised to be carrying on with that, and he was in fact, authorised by that meeting to carry on with the lectures, but he had already been working on this in other respects. I think it was connected with explosives and connected with his trip. It was something which he had already done, but he merely wanted final authority to make it an official document.

To go ahead? --- Yes.

Now in fact, did you ever see those lectures? --- No, I never saw them.

Did you see them for the first time in Court? --- I saw them for the first time in Court. Mr. Mbeki however, explained to me that he had seen the lectures, in their complete form.

Just one further word about this. Mr. Sisulu, would the A.N.C. at that stage, have felt entitled on it's own to decide that Umkonto could go over to guerilla warfare? --- No.

Would the A.N.C. have taken the responsibility of making that decision, simply by itself? --- Oh no, not at all! It was the tradition for a number of years now for our movement to work in consultation with others. What was known as a Congress Alliance, so that even on comparatively minor campaigns, consultations were held.

Would there have been a danger in the African National Congress taking such a decision all on it's own? ---Danger? Well, I don't quite follow there?

Well, what might have been the attitude of other members of the so-called Congress Alliance? --- Oh yes.

BY THE COURT TO WITNESS: I don't think you've told us who the

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members of the Congress Alliance are, have you? --- No.

What is the Congress Alliance, and what does it consist of? --- The Congress Alliance consists of the Indian Congress ... South African Indian Congress, the South African Coloured People's Congress, the South African Democrats was by this time of course banned, but it used to be part of the Congress Alliance, and the African National Congress. The South African Trade Union Congress too, was part of it. S.A.C.T.U. not completely, because it wasn't a political organisation.

How do you mean it was partly? Didn't they send a representative? --- It did have a representative in a Committee which was handling the affairs of the Congress Alliance. Like the National Consultative Committee.

EXAMINATION BY MR. FISCHER (CONTINUED):

Now I just want you to make it quite clear what period you're speaking of? --- Well, I'm speaking of the period from 19.. Well, these are different periods. You see the Alliance started actually in 1946 between the Indian Congress and the A.N.C. and later on in the fifties the other organisations joined in.

And then did any of the organisations disappear? --- Well the A.N.C. was banned in 1960, and the C.O.D. that is Congress of Democrats was banned in 1962, I think.

BY THE COURT TO WITNESS: But I understand from you that this body still existed though, because you said there would have to be a consultation with this body? --- No, not in the sense my lord, that we were working still as a Congress Alliance at this stage.

What do you mean – you would have to consult with these various bodies, before you can make any decisions? --- That is correct.

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EXAMINATION BY MR. FISCHER (CONTINUED):

In other words Mr. Sisulu, it would have been of importance to you whether they agreed with the move or didn't agree with such a movement? --- Oh yes.

Because if you undertook it without agreement, then you would be splitting what is broadly referred to as the Liberation Movement? --- Yes, that's correct.

As you discussed this question of the Congress Alliance, was there ever any body, that is to say a body constituted of representatives which could take decisions for all the congresses? --- No.

Would you just explain? --- Each organisation had the right to take a decision on it's own. There was a gentleman's agreement, it was not a binding thing, that there should be consultation.

Yes? ---- And that is why a committee, called the National Consultative Committee was brought into being.

Is that the significance of the word "consultative" --- That's correct.

Now Mr. Sisulu, we've discussed the question of the meeting of the National High Command where operation Mayebuya was presented in it's present form, and you've told the Court that it was there that the Logistics Committee was set-up, to investigate the possibility? --- Yes.

Now on the political side, what was the next ...? --- It was also felt that the matter must be brought to the attention of the political organization. The A.N.C. Secretariat for instance. We decided to inform the A.N.C. Secretariat. After this meeting, we called a meeting of the A.N.C. Secretariat which we attended with Mr. Mbeki.

You and he attended the Secretariat meeting? --- Yes. Outlining the discussion of the High Command to the

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Secretariat, and they also expressed ... well two views also emerged in the Secretariat.

Yes? --- There were people who thought that there is a case for those people who felt that we must go over to guerilla warfare, but there were others who felt, in the Secretariat, that this was going too far, because to go over to guerilla warfare, would mean a serious proposition with serious implications. The question of the feasibility of guerilla warfare itself was an issue which would have to be seriously considered, but they felt that the question of stepping-up our machinery, there could be no quarrel with that. That that should be undertaken immediately. As a result of this, Solomon Mbanjwa who was the main man dealing with the rural areas, he was a member of the Adhoc Committee and in charge of the rural areas in Natal, it was decided that he should be called up for two reasons. One, he had to inform the members of the National Executive in Natal, that this type of discussion was going on. Secondly, he had to see to it that he steps up the organisational work in the rural areas. As far as other areas are concerned, the Cape Province, there was a man at this stage, who was in Johannesburg. As far as that area was concerned, it was left in his hands.

To convey the information and the directions? --- Yes. We did not have any Adhoc Committee in the Freestate.

You seem to have left my province out. --- Well, the Secretariat would handle the Transvaal.

Now Mr. Sisulu that then was the position adopted by the National Executive at this stage. --- The Secretariat.

I'm sorry, the Secretariat. I think ...? --- I should mention that the Secretariat that the matter should go to the National Executive, as soon as it was possible, but that on the basis of the information which was available, there

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wasn't sufficient material to go to the National Executive, and that we should get more information from the High Command.

Yes? --- We had not brought the document itself, and the members were keen also to see the document which contained these suggestions.

13(E) Yes, I think at that stage then, you heard that another meeting of the High Command had been held? --- At the end of May the meeting of the High Command was arranged. The original intention was that the Logistic Committee should provide the information which it had been asked to collect. I was, however, informed that the Logistic Committee was not ready, and I did not then attend that meeting. I heard the information about the deliberations of that meeting from Mr. Mbeki.

In other words, there could be no point then really, at that stage, in discussing the matter further? --- No.

Until there were further details? --- Yes.

I think you also told that the High Command had decided to go on doing preparatory work? --- Yes, the High Command

Had decided that it should go on doing preparatory work? --- That's correct.

Do you know whether that preparatory work went on? --- Yes I do know, because at the beginning of July another meeting of the High Command was called. I attended that meeting.

Now before we go to that meeting, let me just ask you one or two preliminary matters. Did you know whether someone had been brought in to do investigations for the Logistics Committee? --- Oh yes, I was informed that Dennis Goldberg was working with Arthur or under his instructions, to do investigation.

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Collect information? --- Collect information on a particular aspect.

And you ... as to follow up what you said a short while ago, in response to the request that Mbanjwa should come up from Natal, what did in fact, occur? --- Instead of Mbanjwa, Mr. X arrived instead of Mbanjwa.

I don't want you to trouble about Mr. X in any detail, he arrived and do you know with whom he spoke? --- When he arrived I was in Rivonia. It was the beginning of June, I had gone to Rivonia for medical check-up, and he found me on my seat. He was brought in by Mr. Y...

Z? --- Mr. Z.

Yes? --- I left. I did not stop to meet him and ask him how he was keeping. I did not speak to him at all.

BY THE COURT TO WITNESS: Not at all? --- Not at all. I just greeted him and I left. I said well I was going away. I was in fact, not staying at Rivonia, I was going to the place where I was staying. I was not in a particular hurry to go anywhere, except that the car had come for me and was outside.

EXAMINATION BY MR. FISCHER (CONTINUED):

Alright then I won't ask you whether you probably know what did occur, and you were told that afterwards? --- I was told about the discussions which were held between him and Mr. Mbeki.

Well, Mbeki will be able to tell us about that.

AT THIS STAGE THE COURT ADJOURNS FOR TEA

ON RESUMING:

WALTER MAX ELLIOT SISULU, still under oath

EXAMINATION BY MR. FISCHER (CONTINUED):

Mr. Sisulu just before I go on to July, you would have remembered that there is a statement in the first argumentative section of this plan, that's "Operation Mayebuya", that

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EVEN ARMED international ACTS WAS A REAL possibility, and I think I'm correct in saying that in opening, the State made considerable play with that. I want to know what your attitude of the African National Congress would be to assistance ... towards any assistance which might be offered from outside, if there were to be guerilla warfare? --- Well, we have always made our people to feel that they should rely more on their resources, than to look for assistance from outside. That of course, does not mean that we would not accept assistance from outside. We would accept assistance from outside only if we felt that that assistance does not make us obliged, if there is in other words, no strings at all attached to such assistance.

Well now I want to take you to the beginning of July. Will you tell the Court what occurred then? --- Well, that is the meeting in which ...

That is the meeting of the High Command? --- That is the meeting of the High Command, in which now we were expecting more details by the Logistic Committee. The Logistic Committee gave a report which was considered by the High Command to be very scanty indeed, and it did not deal with the most important aspect, and in that report the members of the Logistic Committee presented I think, about three reports, three or two reports, and even these reports were themselves not adequate, and yet they maintained that on the basis of those reports, they could completely work off equipping and maintaining the guerilla forces in a matter of six months.

Can you recollect what those reports were? --- There was a report from the Intelligence, which was criticised that it was not in terms of the plan itself, or it did not cover what the plan contemplated. There was a report, I think by the Housing Committee ...

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Are those both exhibits in this case? --- Yes, they are both exhibits. Now the financial aspect and things like the feasibility of guerilla warfare itself, would have determined on the question of whether the terrain was suited.

Such things had not been gone into at all. This type of report provoked a further discussion, perhaps even a more serious discussion than was the case when the first document was presented, because members felt that the people who were drafting the plan, were really not giving the serious attention it deserved. That to talk about six months for instance, when all the Committees ... where not all the committees had not even yet reported when they were supposed to report at the end of May, June had ended, the report now was being given in July and yet even that report was not adequate. The question therefore, of whether this is a preposition which can be considered feasible at this stage, was raised very sharply. The ... of course again the two views were put forward, and in the case that it could be done, there were the views which felt that from the discussions themselves it appeared that much work had yet to be done, but more than that was the question ... it raised now the question of whether in fact, we had exhausted the other forms of struggle, mass action, sabotage itself.

I want you to tell the Court whether you put forward a view at that meeting, and if so, what the view was? --- Well this was part of the view which I myself put forward, that they can quite clearly carry on with mass action, coupled with sabotage, the situation was in our favour and the freedom was coming nearer the borders of South Africa, the Protectorates themselves were changing the character, the Rhodesias were changing the character, they were being considered for independence.

Yes? --- And that desecration would influence our

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own suppression in that a well conducted mass action can have also international repercussions, because the international situation was in our favour, and that on the basis of this, even the question of guerilla warfare must, of necessity, depend on a thorough political analysis. Analysing all the factors, because if it is correct that this can be done, then you might never consider the question of guerilla warfare at all, on the basis of this submission.

BY THE COURT TO WITNESS: If you say this could be done? --- That is if I'm correct in that the situation is in our favour, these changes which are taking place can influence our own situation to an extent that negotiations could be held, then the question of guerilla warfare would naturally fall into the background. Quite apart from that, the question which you raised earlier that is the question now of great significance to us, that is the political liberation ... the National Liberation movement, would have to attach great importance on any document which we present before them, and it must therefore, be a reasonable document, a document which indicates that the National High Command and the Secretariat which would prepare such a document for the National Executive had given a serious consideration on this matter, and it gave the attention it deserved, and it had covered all these aspects. There would be a necessity of consulting with other organisations in the National Liberation movement. There would be a need to prepare the people, mentally and otherwise, for such a state, that is now for guerilla warfare, and therefore, the question of talking about six months, gave us an impression that no serious consideration was given by those who drafted the plan. This is quite apart from the criticism which some of us felt were to levelled at the document itself. Just to deal with an example, does the document talk about the setting up political authority, by

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sponsoring organisations. This referred to the African National Congress and the Communist Party. Quite clearly the National Liberation Movement, the African National Congress would have rejected such an approach, because it was an incorrect approach, and it was an approach which was not in keeping with our tradition and the methods of work, namely that we work as a team in the National Liberation movement. No political authority could ever be set up outside the country, by the Communist Party, leaving aside those who are part and parcel of the National Liberation Movement. These then were the criticisms which were levelled against the plan, this was at the beginning of July, and we felt that the plan as it stood was not even adequate to discuss the principles of guerilla warfare itself, and we therefore, felt that a much more serious study of this situation, more serious attention, would be necessary before a document of this kind, or before we prepare an analysis which forms the basis of the discussion by the National Executive.

EXAMINATION BY MR. FISCHER (CONTINUED):

Then what did happen to this plan? Can you remember? --- Well I remember that there was a strong argument against the plan. It did not amount to saying that we were rejecting it out of hand. The work could be continued with, that is more information which we wanted could still be submitted, and in fact, it was suggested that they should go back and give us more information, that is now the Logistic Committee. The meeting adjourned without taking a decision, except saying that well, this is really inadequate material.

And you couldn't work on that? --- We couldn't work on this basis.

Now I want to come to the 11th of July, and tell the Court what had been arranged for the 11th of July? --- On the

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11th of July there was going to be a meeting at o'clock of four people in particular – Mr. Mbeki, Mr. Bernstein, Mr. Bob Heppel and myself. I had arranged a meeting with Mr. Bob Heppel two weeks or three weeks before. I'm not sure, maybe two weeks or three weeks I'm not quite sure, to discuss the question of 90 days. The 90 days issue had persecuted our mind a great deal, not only from the political angle and it's effect that it would have on the political world, but also the official aspect of it, the attention to the families who were affected, and we thought that something should be done for instance, things like to see that the families are being attended to and also to try and see whether, at that stage, you see the report was that the people were not even allowed to get food. Representations about food being given, publicity being given to the condition of the detainees. All those things required attention. Our aim was that the detainees must not be broken morally as was the intention of the authorities, and to do that would mean that the detainees must maintain contact withoutside. This is what we were supposed to discuss on the 11th at 3 o'clock.

Was there any question of possible test cases, legal action? --- Yes, there were also things like legal action, and the question of for instance, re-arrest of 90 days. Nobody was clear about this. I think this is also clear in one of the letters written by the A.N.C. Our own view was that the 90 days meant that a man would be released and go home and thereafter be arrested, and we were not clear about things like this. We wanted to be sure about that.

Yes? --- Because if that was the case then we would be able to save some of the valuable people.

Now prior to 3 o'clock, did you have some other appointment? --- I had an appointment myself ...

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I don't think we need mention the name of the person concerned? --- No, I had an appointment with a dentist at half-past two, but we were late by I think ten minutes. We arrived at twenty to three.

Did he know your identity? --- No, he did not. He attended to me I think ten minutes before the police arrived.

Was there anything else arranged for the 11th? --- Yes, on the 11th there was going to be a meeting of the Secretariat. It was going to discuss amongst other things, the rumours made by Umkonto in relation to the "Mayebuya Operation" I mentioned earlier, they had felt that we should present the document itself, and that we weren't going to take the "Operation Mayebuya" to the National Secretariat, and whatever information was available which was given by the Logistic Committee but of course, the meeting never took place.

Where was that meeting going to be held? --- It was going to be in the Townships. Raymond Mthlaba was present there because he was going to that particular meeting. He wasn't a member of the Secretariat, he was going to that meeting to give his own report about the work he had been doing and to get fresh instructions about work he had to do.

Incidentally what had he been working? --- He was ... New Brighton of Port Elizabeth had become an ideal area, an exemplary ...

I didn't want the details, I just wanted to know whether it was work for Umkonto, for A.N.C.? --- I'm sorry, it was work for the A.N.C.

Now at that time, I'm going to digress for the moment, you were not living at Rivonia? --- No, I was not living at Rivonia. Perhaps I must also refer to the evidence which was led here by the witnesses. One of the witnesses said I lived in Rivonia earlier. That is not correct. What did happen

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it was in 1962, just before the conference, I slept in Rivonia I went to Bechuanaland.

Do you mean just for a night? --- Just for a night.

14 (E) I went to live in Rivonia on the 22nd of June, and the reason for this is that the charitable place where I was staying, suddenly the visitors turned up, although I had visited Rivonia as from the beginning of June, but I did not stay there.

And then you had stayed there from the 22nd June and you left again? --- I left on the 7th for another new farm Trevallyn.

We'll come back to that. So you were driven from Travellyn to Rivonia on the 11th? --- I was driven to Travellyn on the 11th.

This was yourself attended to and then to attend this meeting on the questions of detainees? --- That's correct.

And you were to go to the Secretariat meeting that evening? --- That's correct.

Well then I think it's common cause, after you had been attended to, the others arrived? --- I was attended in the Main House by the dentist, and after finishing that, I went to the cottage. A few minutes after I had entered, Mr. Bernstein arrived. I think just before 3, and I think about 3 o'clock the Police arrived. Mr. Hepple saw the Police and he said, "the police are here", and he closed the door. I jumped through the window trying to escape, but I was arrested a few yards from the cottage.

You explained about Rivonia. I don't know whether you told the Court whether Rivonia was ever used as the Headquarters of the African National Congress? --- No my lord, it was never the headquarters of the African National Congress. I think the documents here will show

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that the African National Congress had its Secretariat, not in Rivonia, but was the chief administrative missionary of the A.N.C.

The Secretariat? --- The Secretariat, and Rivonia was not at all the headquarters, except that you heard ... had people who were living in Rivonia.

For instance, when Mr. Govan Mbeki went there, and conducted the correspondence? --- And conducted the correspondence, he was the man who was dealing with correspondence. 10

Perhaps you might just say a word about Travellyn. Did you know that had been bought? --- Yes, I know about Travellyn, that it was bought by Umkonto We Ziswe, as the hiding place for people who were underground and also the trainees who were on transit, from Johannesburg to go away. Of course, also to carry on manufacturing explosives and other things.

I think you were driven by to Travellyn by Dennis Goldberg? --- Yes, the farm was under his care. He was the man on whose name it was bought. 20

Do you know whether it was under his care temporarily, or was there some permanence about it? --- Well, I was informed that it was not a permanent arrangement, but he was chosen because he was going to leave the country, and he would have been the suitable man as the nominee.

I think he actually obtained a British passport? --- He had a passport, yes.

Now Mr. Sisulu, just one or two concluding matters, there was a broadcast on the 26th of June? --- That is correct. 30

You took part in that? --- I took part in that.

Or rather you had your speech tape recorded

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and broadcasted? --- That is correct. Well about that also, I want to say that the broadcast was not conducted in Rivonia. It was done somewhere else.

And then I want to deal with some specific points in the evidence against you. First of all, the witness Essop has said that you had arranged the transporting of young men and that you paid him. What do you say about that? --- That is absolutely not correct. I know that I was accused to transport people. I knew that the Umkonto had the contact with him. As a matter of Modiso had dealings with him. 10

Who? --- Joe Modiso, I think he is one of the conspirators my lord.

Did you have any dealings with Essop? --- Yes, I did. You see Essop has in fact, been used by the movement and for the conferences. For instance Pietermaritzburg. He was used but not by me. I used him for the students once going to Francistown. The son of Mr. Mbeki for instance, was amongst the students. They had not sufficient money and they came to me, I spoke to Essop and he agreed that he would accept half of the amount, and that was paid to him by me. 20

Now Mashifane spoke about certain meetings that were attended by you in his building. What do you say about that? --- Prior to 1960 and up to the beginning of 1960 we did use his place. If I am not mistaken I think he said here that ... the way he described the period suggested that round-about April or so I made this arrangement. By that time I was in gaol, so he could not be correct, but it is true that we did use his place for meetings where people, who were banned were to attend. 30

This was prior to the emergency? --- This was

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to the emergency.

This was prior to the banning ...? --- Yes, it is not correct to say that I had gone to see him with Elias Matsoaledi. In fact, even those meetings which I have referred to, the arrangement was not made by me. So that his evidence in that respect is not correct.

I turn to Mthembu who suggested in his evidence that you ... that he was met by Slovo and that you had to be present in order to recruit. Do you remember? --- Well, I don't know if he said so.

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Am I mistaken? --- I think so, but he did say that I was present when Joe Slovo asked him to become a member of the Transvaal Regional Committee and that both Modise and myself were present. That is correct, that I was present.

Were you there in order to recruit him or to appoint him? --- No, no, no. My going there had nothing to do with him at all. I had gone to Rivonia with Joe Slovo. I had a discussion with Joe Slovo. We were going to discuss a question for instance, of trainees. I can't re- 20
member whether they had gone, but during that period that was the issue that I was going to discuss with him.

Was there talk about the Joint Executives? Do you remember Mthembu said something about that? --- Well, I wasn't really part of the meeting, it was a discussion really between him and Slovo, but I don't recollect that there was a talk about Joint Executive, because if he had said so, I would certainly have denied that, but about the A.N.C. not being opposed to Umkonto, that was correct.

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Further there was the witness Mrs. Mtombela, from Ladysmith, who said that you had spoken to a group

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of people at Ladysmith, where she was present. I think it was in her house was it not? Did you speak to some people there? --- I did speak to a group of people in Ladysmith round-about May or June in 1961. There was certainly no question of talking about bombings, and I have no doubt that some suggestion was made to Mrs. Mtombela to put certain evidence. There could be no question of discussing, at that stage, a bombing, because there was no question of sabotage even the Umkonto was not yet formed!

In any case, did you know all the people there 10
whom you met at her house? Did you know her before? --- Well, no I hadn't you see, but I knew some of them as members.

You knew some of them? --- Some of the members.

Others you didn't? --- Yes.

Mr. Sisulu I want you to say a word about the presence of someone else who was there on the 11th of July, and that was the accused Mr. Kathrada. Do you know what he was doing there on that day? --- Well, Mr. Kathrada had stayed there before, but he was not staying there during that period. He had gone there to make arrangements 20
about a broadcast, which we

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address the Indians on this issue.

And how did that bring him to Rivonia? --- Well, he was ...

Or don't you know? --- No, I wouldn't remember what exactly happened, but I know that he had gone to make arrangements. Arthur Goldreich had something to do with arrangements ...

With arrangements in regard to the broadcast? --- Yes.

Of a reply to the Minister's speech? --- Yes.

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Well let me put it to you this way – was Kathrada there, either for the purpose of discussing ...? --- No he wasn't part of our meeting at all.

Or anything to do with the Secretariat? --- No, not at all.

Incidentally, what role were Mr. Bernstein and Mr. Hepple to play in the consideration of the 90 day detainee problem? --- Mr. Hepple was quite active on this field legally and he was also in touch with the Defence and Aid Committee, and he knew that he was a very useful
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man in this respect, and he was going to deal with the legal aspect too: Explain the implications, and also to see what could be done legally. Mr. Bernstein was a sort of a specialist on propaganda, and he wanted him in particular for this aspect.

And then there are the two accused who were not there, Mr Andrew Mlangeni and do you know any details about him or what he was connected in? --- Yes, well I know Mr. Mlangeni was active in the affairs of the A.N.C. before it was banned, but he was away for a con-
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siderable time after it was banned. I think he came back at the beginning of 1963. Now I don't know whether he be-

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came active when he came back in the affairs of the A.N.C.

And lastly, the accused Mr. Elias Matsoaledi. --- Yes, well I knew he was active in the movement, I have an idea that he was active with Umkonto.

In conclusion Mr. Sisulu, looking back on it do you consider that you could or should have acted otherwise than you did? --- I can't see how I could have done otherwise, other than what I have done, because even if myself I did not play the role I did, the others would have done what I have done instead. 10

Mr. Sisulu, you've chosen to give evidence under oath, so that your story can be tested by cross-examination in the ordinary way. Is that so? --- That's correct my lord, except this is not intended as being discourteous to the Court, but I would like to make my position very clear my lord, that I am prepared to testify in this case in regard to the part I have played and in regard to the part which my organisation played, and some of the people connected with this, but my lord I certainly would find it difficult to testify or to answer questions relating to my or- 20
ganisation which might lead to the prosecution of my people. I would not do anything which would lead to revealing the workings of my organisation and confidential matters, I would not be able to testify in so far as that aspect is concerned. I am aware that by so doing I might worsen my position, but I find that I can do no otherwise.

MR FISHER: No further questions.

CROSS EXAMINATION BY DR. YUTAR:

15 (E) We'll cross those bridges when we reach them about the workings of the organisation.
--- I know that. 30

Meantime I'm afraid I'm going to keep you a little long, so if you get tired you can let his lordship

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know, perhaps we could provide a chair for you? --- Thankyou.

The first thing I'd like to ask you is this – I'm a little intrigued about the professed feeling of the A.N.C. and the Umkonto We Ziswe, that in the acts of sabotage committed, there was to be no injury to life, no killing of persons. --- That is absolutely correct!

Did either organisation ever take any precautions to see that neither result followed from any act of sabotage committed? --- Just put that again?

Surely. Did the A.N.C. or the M.K. ever take
precautions to see that as a result of the commission of the various acts of sabotage, nobody was
injured and nobody would be killed? --- The manifest of itself of Umkonto We Ziswe, makes the
position perfectly clear, the choice of targets makes the position perfectly clear that the intention
was not to injure anybody at all. 10

But what precautions were taken to see that that didn't happen? --- I don't know if I understand you
well, but the instructions to the committees, to the regions, were to see to it ... by your region No. 1
was to see that
nobody was hurt. 20

If a railway line, 26 feet in length was loosened on a busy track running between Johannesburg
and Cape Town carrying heavy passenger traffic, how could the loss of life or injury to persons be
avoided? --- Such an accusation would not be part of Umkonto We Ziswe, because of its very
nature that lies in such a case, would be lost.

But in fact, amongst the acts of sabotage enumerated, there are three such instances of railway
tracks being loosened on the outside curve, carrying pas-
senger traffic! --- Well, as I have already pointed out my lord, that falls outside the scope of
Umkonto We Ziswe. 30

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I am aware that some acts have been put before this Court, but not all the acts which have been placed before this Court are the acts of Umkonto We Ziswe.

Did the organisation ever take steps to identify which were done by their own organisation, or which were done by others? --- Well, I think we have heard in this Court evidence by witnesses, and the State witnesses themselves do say that reports were given to the Regional Command of what was being done.

And what would be the effect of throwing a petrol bomb or a pipe bomb or any other bomb, into a building in a crowded location? --- That will also have been an act which falls outside the scope. It would not be in accordance with Ukmonto and it's aims. 10

Did the Umkonto make explosives? --- Yes, it did.

To be used? --- Yes my lord.

What guarantee was there that such explosives would not result in injury to persons or loss of life? ---Well, I don't know whether it is not the same question, that the guarantee is in regard to the choice of target. 20

BY THE COURT TO WITNESS: I put it differently in that regard to you Mr. Sisulu. --- Yes my lord.

During the last war there was also sections of the population that were going in for sabotage because they didn't agree with the war policy of the Government. --- Yes.

Amongst other things there was a trial that I remember in which a bomb was placed next to the Benoni Post office. --- Yes.

Some unfortunate passer-by came to post a letter. The bomb exploded and he was killed. If you're going to start bombing buildings, is it possible to avoid 30

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that type of accident? If you start putting explosives next to buildings, can you ever be sure that you're avoiding killing or injuring people? --- My lord, an accident is an accident, but the caution of the intention of the plan itself and the method used, for instance, at night when the people are not there. These are some of the takings of such things into consideration, that it should not be done at any time anyhow in order to avoid

Your argument is that as long as you haven't got the intention of killing people, it doesn't matter if
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you kill people, is that your argument? ---- No sir, I am saying that the precautions are taken in order to avoid this type of thing.

Yes? --- I'm not saying that it can't happen, but I'm saying that precautions are taken that it should not happen.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

If I may just follow his lordship's example, you know that incident in Port Elizabeth where a bomb was thrown into a room and two young bantu girls, innocent
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children were burnt severely, and one was dying. Did you take any precautions to avoid that? --- Yes, we did investigate about this type of bombs. First of all, we were quite sure that this type of action, would not be the actions committed by Umkonto, but we had made efforts to investigate. We were informed that this type of action in the Eastern Cape, were not part of the Umkonto!

Who informed you? --- Mr. Mbeki who was our leading man there, informed us that this he was sure, was not part of Umkonto.
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And did you he tell you who in fact, did it? --- No, he didn't. He merely said that he was assured that

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this was not ...

Well let us come a little nearer home. Item No. 19, where one Peter Molohe was killed and another one Benjamin Ramotse was severely injured as the result of a bomb explosion. --- Yes.

Any precautions taken against that? --- Yes, I think that after that no similar incident occurred because the matter was discussed and a serious view of the way this thing happened was discussed, and as a result of that no similar incident occurred. 10

But that was an incident which fell under the direction of Umkonto? --- Yes, it is truthful.

In fact, both these gentlemen were members of the A.N.C.! --- Yes.

And of the M.K.! --- Yes.

And you went to see one of them in gaol! ---Well ...

Isn't that so, first of all? --- I'm thinking at what stage I went to see him. I ... I did see him, but let me also say this, that during that period I was arrested. 20

I was arrested and charged for fraud for having obtained a document, a pass, that my pass was lost, and yet the intention of the Special Branch was in fact, not connected with this question of fraud at all, they were in fact, suspecting that I had something to do with the sabotage. I met Ramotse there. The gaol authorities made it possible, and everything was done in order that I meet Ramotse, and the plan was to see that I'm linked to the sabotage. I did see him, I knew him.

The act that I'm referring to is Act No. 19.

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That took place on the 16th of December, 1961. --- That's right.

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It was during the weekend when the M.K. really went to town? --- Yes, that's correct.

And you saw Romatse on the 31st of January 1962. --- I don't know the date.

I'm giving you the date according to the evidence of the warder Mr. Weideman at the Johannesburg Fort. --- Yes.

Did you see Romatse? --- Yes, I did.

In the company of Nokwe? --- I can't remember whether I was in the company of Nokwe, but I did see him. 10

Yes, now what did you see Romatse about? --- I can't remember what I had gone to see him about, but I have absolutely no doubt that the authorities were there to record what I was discussing with Ramotse.

I beg your pardon? --- If I was implicated, I would have been arrested, because that was the plan of making me to meet Romatse.

I didn't quite follow? --- I'm saying that I can't remember what I said, but I say the Police know much better than I do. 20

Well, I'm asking you now! What did you go and see him about? --- I can't remember.

You can't remember? --- If I'm not mistaken, I think it was after I had been in gaol with him, and I as released on bail, I had to see him, I don't think about anything in particular.

Did you ask him how it happened that Peter Molefe was killed in this bomb explosion? --- I don't know if I asked him, because I had by that time heard about Peter Molefe's death. 30

Well, I ask you again then! What steps did you take to ensure that what happened on the 16th of

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December 1961, did not happen again! --- Well, these perhaps are matters which are dealt with by technical people, but as I understand it the fault was seen to it, but more matured methods were used.

More matured methods? --- Yes.

Did you ever pay consideration perhaps to the desirability of using more matured men, who were better trained in the use of explosives? --- Well, I think the men were being trained! I think there is evidence to that effect that efforts were made to see that they trained men. 10

Trained men and knew their jobs well? --- Yes.

And exercised a certain measure of responsibility? --- Yes.

Right! Do you remember the incident in Natal where your men were asked to bomb a goods train and in fact, they bombed a passenger train!? --- I remember that.

Could that have resulted in loss of life? --- According to the evidence, that could have.

It could have, of course! --- Yes.

And you recall the occasion when your men were 20
told to bomb a certain office in Natal, and by mistake so it's said, they bombed the offices of the Natal Newspaper? --- Yes, that's quite correct. The evidence itself showed that the people were doing these things, were also conscious and the Regional Command itself, took a serious view when a mistake was committed.

Yes, but if somebody had been killed, your taking a serious view of a mistake wouldn't have helped to kill persons? --- Well, that can happen.

Yes. And do you remember there were people 30
working in that building at the time! --- Yes, there is evidence to that effect.

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Yes, quite, this bomb explosion could have resulted in the loss of life! --- Yes.

And there was a lady passing in the street, who was injured! Yes, there was a lady passing in the street, and the witness says that when he arrived on the scene, she had just been removed by ambulance!

MR. BIZOS TO COURT: In respect to that my lord, the detective eventually conceded in cross-examination by my learned friend Mr. Berrange, that there was only a newspaper report to that effect, and that he was not there when it 10
happened. --- My recollection is that he said that he saw the woman being removed by ambulance. He didn't see what injuries she had.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):-

But generally, this office was situated in a busy street in a busy part of Durban.

BY THE COURT TO WITNESS: But quite apart from that Sisulu, I mean look at Item 20. I mean this is in line with your policy. --- Yes.

A homemade bomb was put next to the Central 20
Post Office in Fordsburg at 10 o'clock at night, it went off. --- Yes my lord.

Now that was a time bomb. It's set to go off in half-an-hour or an hour's time, whatever the case may be. Is there any way that you can take any precautions that some passer-by in the street won't be blown up by that bomb? It so happened that it didn't happen, but it could happen in any of these cases, not so? --- That's quite possible my lord, quite possible.

But I mean that didn't worry you? --- It did 30
worry us! My lord the very question of embarking on a question of this nature, sabotage, is a matter which

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exercised a great deal of thought in our minds. It was not a matter which we easily arrived at, but it is the situation that we are saying that we're in this situation, our desire and our intentions and our plans were that to the best of our ability, this must be avoided. That doesn't mean that it could not happen.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

And you told his lordship now expressly, it is a matter that did worry you and your colleagues? ---
Yes, the question of embarking on a violent struggle. 10

A very dangerous embarkation! This was! What precaution did you take to ensure that it would not happen, what you were afraid would happen? --- Well, I have explained the precautions – I say as far as we were concerned, the precautions were the choice of time, the choice of targets, the way of doing it – these were precautions to see that it does not happen. Now dealing with the situation in a political movement, a peaceful demonstration, it happens that there is shooting, there is a fight. These things happen! 20

We're not dealing with peaceful demonstrations! I'm dealing with the activities of the A.N.C. from the moment it went over from the policy of non-violence to violence! That's all I'm concerned with in this case! --- The A.N.C. didn't change it's policy from non-violence to violence!

Alright, I'll come to the documents presently, and I want to know did you take any precautions, your organisation, to see that the men who perpetrated these actions of sabotage did not act recklessly? --- Yes, there 30
was a constant contact between the National High Command and the Regional Command, emphasising all the time.

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So how did you choose your men? --- Well, I wouldn't know how the men were chosen, but the people who were chosen, were people who were considered to be responsible people, who were known in the movement. They didn't choose anybody outside.

Who were those responsible people? --- The Regional Command for instance, I wouldn't know anything about the units, but I think the same principle applied.

You can't name as any as a responsible leadership? --- In the ... 10

In the whole organisation! Have your choice from the High Command down to the lowest level! --- Well, as far as I'm concerned, they're responsible people indeed.

Who? --- I'm not dealing with the names.

I want the names! --- Oh no, I can't deal with the names.

But I do want the names! --- I know that!

Well then name me one single responsible person! --- Billy Nayer was a responsible man, then there's the evidence by a state witness to show that he was a conscientious man, and the Regional Commander of Natal was. 20

Right. Under his tutorship a passenger train was bombed instead of a goods train! Name me some more responsible men, who acted like that! --- Well, I have dealt with that question.

I beg yours! --- I say I have dealt with the question of the passenger train, because I think that the state witness had made it clear that this was an accident, and the Regional Command was very much concerned with that. 30

Name me some more responsible people! I am reminded from both sides, has Billy Nayer removed after

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that incident, when a passenger train was bombed instead of a goods train? Was he removed from his post? --- No ...

Well, he carried on of course! Then name me some other responsible people! --- Well, I can't name people. I can't give names of them.

Who were the gentlemen that taught these bantu to use explosives? --- What bantus are those?

I'm referring to Abel Mthembu, I'm referring to Romatse, I'm referring to Mr. X. Who taught them? --- Well, I have heard from Mr. X himself who taught them.

10

I'd like to hear from you, it sounds better I think now. Who taught them? --- Well, people who were connected with the Technical Committee, were people like Jack Hodgson was one of them.

Yes, who else? --- Well, that's

Come, come, we've been here now seven/eight weeks, you've heard the evidence! Who else taught these people? --- Strachan.

Yes, who else? --- Who else I can't know. Well I think these are the names which I know of. 20

You tell us who you knew were the instructors in this organisation? You told his lordship that sabotage was under responsible leadership! Who taught these people!? --- Well, you have had my explanation first of all, that I was not serving with the National High Command.

You say you were in touch with their leaders! --- On political matters.

Yes, on political matters, what political matters did M.K. deal with? --- Oh with the very question which I was dealing with here, of guerilla warfare, is a matter which involves political division. 30

The whole sabotage involves political matters,

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but M.K.? --- Well, that's the interpretation of what political matters. I make a distinction between pure matters of sabotage and political divisions, such as guerilla warfare.

Let's understand each other quite clearly! M.K. was formed to commit acts of sabotage? --- Correct.

It wasn't formed for the purpose of furthering the political aims of any other organisation, except by committing acts of sabotage! --- That was it's particular field. 10

Who were, to your knowledge, the responsible leadership that taught these people how to use explosives? ---- These people I have mentioned, are to me responsible people.

Yes. One is in gaol, the other has fled the country! ---- That is correct.

Who else? --- I don't know who else?

You know No. 9 Matsoaledi? --- Yes.

Did he teach anybody? --- Yes, he did.

He did!? --- Yes. I don't mention him, because you see he himself was taught by Hodgson. 20

Anyone else? ---Well X himself.

Well he learnt from his master! --- Yes.

Yes? --- I don't whose master, but he was taught by Strachan and Hodgson as he said.

Who else? --- Those are the only names I know.

The only names, and they were teaching people, who up till then, had no knowledge at all about the use of explosives? --- Yes.

And you hear the expert Mr. van Cruywagen and 30
Mr. van Wyk, who said how dangerous some of these substances were, these mixtures in the final product? --- Yes.

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What steps did you take to ensure that these explosive materials in the hands of people with no prime knowledge of it, would not result in injury to persons or loss of life? --- Well, I have explained that the people who were handling this, saw to it that they used better methods.

Better methods? --- Yes, and studied the explosives.

Was Goldreich one of the tutors? --- Yes.

He was? --- He was.

A responsible man? --- Yes, he is responsible
man. He had an idea about it.

10

Yes, he's also fled the country? --- Yes, he has.

Did the Umkonto We Ziswe organisation at any stage, set down a minimum qualification for people who should handle explosives? --- No, I don't think they did.

If you heard people who were regarded as authority on this, it is these people who will teach others, and as a result of this, these people will know, will become experts.

You see why I ask, is this – do you remember that when you establish so-called scholarships overseas,

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we'll come to that later, you demanded that so-called students would at least have their matriculation certificates? --- That's the ordinary requirement for higher education anywhere!

Right. Did you insist at least, on that requirement for the men who were to handle explosives? ---
An educational requirement!?

Matriculation standard, they do a certain amount of physical science in matric. Did you at least, on that? --- I don't think that was really necessary.

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You don't think it was necessary? --- No.

In other words, you were reckless as to the

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choice of persons, to who was entrusted this task of bombing, right and left. Now here, now there?
--- That's being extravagant.

Extravagant? --- Oh yes, because ...

Then I shall read from one of your documents.

Extravagant in what way by the way? --- It is extravagant to say that we were reckless, because there is absolutely no suggestion that we were reckless.

Are you now suggesting that you took no risk at all!? --- Well, I have explained that we have tried to
the 10
best of our ability to see that the loss of life was avoided. It is not the same thing as just being
reckless!

But that was your risk that you envisaged, you had in your mind! --- Oh yes.

And that was a risks which you knew, ... that was something which you knew could happen! --- Yes,
we know that ...

And notwithstanding that knowledge, and notwithstanding what happened with Peter Molefe, you
still allowed it to go on! --- Yes, we had started something ...

And you were going to end it! --- it had to go
on. 20

It had to go on? --- But it was planned, it was not just going on it's own.

And you were going on irrespective of the consequences! --- Not irrespective of the consequences.

Well, what precautions again? --- But I've just explained the precautions, that precautions had
been taken.

I want to show you an exhibit, your lordship will find it among the alphabetical exhibits on page 3.

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Do you see that document Exhibit 'VV'? (Shown to witness). --- Yes.

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Let's make it quite clear at the beginning, this is a document issued by the African National Congress! Right? --- Yes.

And you were the Secretary-General of the African National Congress, right? --- I was the Secretary-General yes.

Now let's listen to what the African National Congress has to tell the masses. "Part of the Transkei killings. Listen white man, political violence has become the South African way of life. Why? What can be
10
done to stop it?" And then you go on to say "Five whites were murdered in the Transkei and then hacked to death at Llanga. The Police are still not sure whether the murders were political or not?" (perhaps they were not political organised). "There had been previous murders before, of course, only now they become more frequent. Like the raid on Paarl last year when seven people died. The [motico](#) is a massive political wrong, fury, frustration, contempt for what whites do. Black, Coloureds and Asians are sick to death of white supremacy." If I might just stop
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there for a moment. I'll have my copy thankyou. Is there any word of caution uttered there, "please, in the name of heaven don't see that it happens as far as our acts of sabotage are concerned"? --- Well, first of all this is a mistake, not for distribution amongst the African,s because the leaflet is for Europeans.

For Eurorpeans? --- And it was dealing with the situation as we saw it. This is not advocating anything, except explaining the position.

Oh, you really mean that is not advocating an
30
event, except explaining!? --- Yes.

We'll tackle you on that right away! Just look

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under the words "Vorster's threats deter nobody", have you got that? --- Yes.

Look what follows immediately afterwards! "Sabotage and murder will not cease"! --- Just a second, I don't know where it is.

Right in the middle. "Vorster's threats deter nobody". Right in the middle. I'll point it out to you. Bring it nearer and I'll show you with a ruler. (Witness complies). There you are, it's all underlined for you! --- Yes, yes. 10

"Sabotage and murder will not cease because ...". Is that an explanation or a threat? --- This note, I think it is an explanation.

Oh! What are you saying there? "Sabotage and murder will continue!" --- Yes, you will see that's not justifying. All that this says, is that it is the conditions which produced this state of affairs, and that it will continue if you don't consider the causes which lead to this situations.

Now you're telling the white man, "if you don't 20
remove the causes about which we complain, sabotage and murder will continue", right? --- You're stating a fact!

We're stating a fact, to say these things are happening ...

They will happen, yes! --- Because they are caused by the conditions.

And you are now telling them that is in effect, what happened in the past, and I suppose what will happen in the future? --- Oh yes!

Did the A.N.C. never visualise that it's acts of sabotage will result in death? --- It took precautions 30
to see to it, and that this avoided.

And in fact, in a certain measure, you are

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here gloating over the incidents that have already taken place, and warning the white man more is going to happen! --- You're misreading the leaflet. This is not inciting, this is not saying this must happen! It's saying that it happened, and it will happen! You're not saying ...

You're not inciting? --- You're merely explaining the position!

Well, let's follow this leaflet from the beginning, and we will come to whether you're right. "Sabotage erupts ...", back to the top, after the passage "Black, 10 Coloured people are sick to death of whitesupremacy".

"Sabotage erupts every week throughout the country, now here, now there". Is that right? --- Yes.

Is that on account of the activities of the M.K.? Just to stop there – is that right? --- Yes, that's right.

"The whites are turning vicious and panicky. Already we see the sinister birth pains of the lynch game. ...? --- Yes.

I can't make out the next word, it's not clear 20
in my copy, ... "At that rate within a year or two South Africa will be embroiled in the second bloodiest, most furious Algerian war." --- Yes.

Are you explaining things, or are you telling the white man what's going to happen? --- No, we're saying that this is the situation, as it exists. It must lead to the situation which existed in Algeria!

In other words, you are now prophesying what's going to happen in South Africa! --- We analyse the situation, of course, on the existing conditions! 30

Then you go on "While apartheid leads to war, the Government stokes the fires. All Verwoerd can do is

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to tighten the pressure, he doesn't dare relax the army build-up release the organisation If the heart of the Government tries to stifle resistance to apartheid, the stronger, more determined they become, despite Vorster's promised death penalty, sabotage and murders multiplied last year." --- Yes.

You were claiming that as an achievement? --- No, stating what happened.

Who committed the sabotage? --- M.K. did and other people did. 10

Who committed the murders? --- Which murders?

That you're talking about here? --- Well, we refer to murders in the Transkei.

Yes, but that's not the only murders! "Sabotage and murders multiplied last year". Who committed the murders referred to here? --- They were murders in ... in ... in Paarl.

Yes? --- Murders in the Transkei.

Yes, who committed them? --- ... Well, as far as I know in the Paarl, the P.A.C. people were charged and the ... as far as I know in the Transkei, or I heard that also 20
in the Transkei P.A.C. people were charged.

And M.K. had nothing to do with it? --- Of course not!

Of course not! Right, then I ask you again, why do you, the A.N.C. go on to say the sabotage and murder will not cease? What exactly do you mean by that? --- We say that ... that is as I have explained, that the conditions will produce this state of affairs. You will have Paarl, you will have Transkei, you will have something else, in a situation like this! 30

You will have sabotage, or acts of sabotage? --- Of course you will.

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Comitted by the M.K.? --- Yes,

You will have more acts of murder committed by? --- There will be murder, I don't know who will commit the murder.

You don't know, but there will be murder ... (Witness and Dr. Yutar talking at the same time. Intelligible!)

AT THIS STAGE THE COURT ADJOURNS FOR LUNCH.

ON RESUMING AT 2 P.M.:

WALTER MAX ELLIOT SISULU, still under oath

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CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Sisulu, I think we can run through this very quickly now. Exhibit 'VV'. The last part "Violence breeds violence in return". Have you got that? --- Yes sir.

Now I just want to read you the next paragraph. "You now face an indefinitely long future of terror, uncertainty and steadily eroding power. You will keep a gun on your side, not knowing who to trust, perhaps the street cleaner is a saboteur, perhaps the man who makes your tea at the office has a gun? You will never be
safe and you'll never be sure, because white power, industry, arms, police ... white labour." Is that not a threat? --- No, I don't interpret it that way.

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How do you interpret it? --- I interpret this to mean that in a situation like this, you will find that where there is a drifting apart between the two main communities, the natural thing will be to distrust each other. It is natural that you will distrust your servants, who belongs to the other country. That is the wya we are describing it!

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I can understand that, but what do you mean when you say "you now face an indefinitely long future of

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terror”? --- Well, there’s the Government terror.

No! You’re addressing the white man! You say “you white man are now facing an indefinitely long future of terror”! --- Well in this situation ...

Yes! --- It is this situation there will be terrorism.

Of course! --- There will be terrorism which is brought about by this situation.

Yes! I don’t care what it’s about, but you’re telling the white man that “you are now facing an indefinite-

10

ly long future of terror”! --- Terrorism which has broken out.

And you speak about the possibility of having to fear even the person who makes your tea! He might have a gun! --- The possibility.

Yes, and that is what you were telling the white man! --- It says the more they drift apart, the more likelihood there is of this situation.

Then you end up “you will have launched a war, you cannot win”. --- There can be no doubt about it!

Now who is launching the war? --- The whites!

20

That any future war in this country must end inevitable on the victory of the oppressed people!

Right! But you say here “you will have launched a war”! You now accuse the white man of launching the war! --- Of course it is! It is the white man, who is, instead of meeting the reasonable demands of the people, instead of discussing, it is arming them preparing for a war!

You’re not suggesting that the white man drew up “Operation Mayebuya”, Exhibit R.71? --- No! 30

No? --- I’m not saying so, but I’m saying that the actions of the white man, leads to this situation!

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And you are here contemplating that if the white man does not give in to the demands of the black man, there will be a war which you, white man can never win! --- inevitably, it must lead to that situation!

And that is your view, and that is the view of the African National Congress? --- Yes, after 50 years of patience and of a reasonable approach.

And I'm merely concerning myself, not with the last fifty years, but with the last three years! I've told you that before, and I'll remind you again later! 10

Now I want to deal with these murders. You remember I told you about the two young girls who were badly burnt, and one died? --- Yes, I remember that.

That's Item 129. That took place on the 15th of December, 1962. --- Yes.

Did you say that that was not the work of the A.N.C.? --- That was our information.

From whom? --- Mr. Mbeki, who was our member in Congress, that he had assured himself that it was not.

Now do you know who committed that murder, by the way? --- No, I don't. 20

You've no idea? --- No.

Do you know a man called Hoyi? --- I know of a name Hoyi.

How do you know of his name? --- Well, he was a prominent man in East London, and I also know that it was reported in the newspaper, that his house was bombed.

Yes. So you know him. Now do you know the following names? Johnson Kondhoti? --- Yes, I know him.

Who is he? --- He was a member of the A.N.C. in . 30
East London.

You're quite right again. East London, No. 9, and

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do you know a man called Fezile Mlandhlo, forgive my pronunciation but I haven't got Mr. Berrange here to help me, but do you know him? --- No, I don't know him.

That's No. 20. Do you know a name called Zolo Majho? --- No, I don't know him.

You say you don't know any of these people, except for the one? --- No, I only know the one.

Just the one. He's a member of the A.N.C.? --- Yes.

Well you know B. Sekadies evidence, as he 10
said that all these four that I've mentioned are members of the A.N.C. so you can't dispute it? ---
No, I'm not trying to dispute it.

Going back to Hoyi. Hoyi was a gentleman, according to Card who was co-government? --- Yes.

He published articles in the press to the effect that the bantu in the country couldn't take over, and are not in a position to take over, not within 100 years. --- Yes, he said that.

You knew about it? --- No, no, I heard about that. 20

You heard about that? --- Yes.

His house was attacked on the 16th of December, 1962, because he was pro-government and anti-A.N.C.! And attacked by these four people whose names I've mentioned who threw a bomb through the window. Two in fact! Now what did the A.N.C. do about that to stop that!? --- Well, first of all you see, the A.N.C. we never heard that it was done by the members of the A.N.C., but we relied on our information from the Eastern Province, and we were assured that so far as our members were concerned, that 30
they were not responsible for this.

Well, you know detective Card was not cross-

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examined, and if he's right then your information was wrong! --- Yes, which aspect of it?

On the question of who did this act? --- No, I'm not denying that.

And it was this act here, where the A.N.C. wanted to reap it's vengeance against Hoyi because he expressed anti-A.N.C. views that two young innocent bantu females were severely burnt, and one has died as a result! --- Now I've said this, even according to the evidence here, a state witness who was a member of the
10
Regional Committee of East London, made it perfectly clear that it had absolutely nothing to do with the A.N.C.! They said it was never discussed ...

Who was that member? --- I think Mdube.

Oh no! Oh no! --- I thought he said that these things were not discussed at all in East London.

I'm not talking about discussions at meetings! I'm interested in what took place! --- Yes well, individuals could do that, although they may be members of the A.N.C. but it doesn't mean that because they are members of the
20
A.N.C., the A.N.C. is responsible for such actions!

No, these thing wouldn't incite them? --- Not at all. I don't think so.

Now we come to another item. You see we're dealing with murders now. We come to another Item 66. That was a dwelling of a bantu constable Tshingata(?), Port Elizabeth, on the 1st of October 1962. Do you remember this Peter Nvombo, who got 15 years for acts of sabotage? --- Yes, I remember that.

He said he is the one who participated in this
30
act. Now you know which act I'm speaking to you about hey? --- I don't know the numbers, but I remember the ...

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But you know which I'm speaking of? --- I know it's the bombing of ...

Do you know who Peter Nvombo was? --- I didn't know him.

Yes, well he told his lordship that he was a soldier of the organisation, and therefore, he was a member of the M.K. That's the only organisation who has soldiers. --- Well, no it doesn't follow, but I do think that he was a soldier ...

Of the A.N.C.? --- Soldier of the A.N.C.? 10

Yes, that's what he said. Of the organisation. --- Well organisation can be broad, but from his evidence he was a member of Umkonto.

And a witness who was going to testify with regard to that, was a man named Sipo Mange. Have you ever heard that name before? --- No, I heard it here.

Do you know the name of Vuyiselo Mini? --- Yes, I do.

Who is he? --- He was a member of the A.N.C.

He was a member of the A.N.C.? --- Yes. 20

Port Elizabeth? --- Yes.

Was he responsible? --- Yes, I know him to be responsible.

Then there's [man](#) called (?) Makaba, do you know him? --- No.

Well, he's listed here as No. 16, and then Wilson Kyengo? --- I know him.

Who is he? --- He is an A.N.C. member in Port Elizabeth.

Is he perhaps one of the chief volunteers? --- 30

I don't know his position, but I know he's a leading man.

A leading member of the A.N.C.? --- Yes.

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Yes, du Preez says he is the leader there, and he is called "Chief". Now take those three gentlemen, are they all responsible men? --- I know them to be responsible.

Responsible people. Now let me tell you what they did according to the evidence of Detective-Sergeant du Preez, who was not cross-examined. He says that these three people shot this man Sipo Mange two days before he was to give evidence for the State with regard to Item 66. Is that the action of responsible people of the A.N.C.? --- No, it would not be the action of a responsible man of the A.N.C.

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BY MR. FISCHER TO COURT: My lord I'm afraid I wasn't in Court at this stage, but I'm told by my learned junior that that is now what the evidence was.

DR. YUTAR TO COURT: I'm reading it my lord. I'm reading from the evidence of du Preez, and I'll read the whole passage. "Now I come to the next Item 66, and I here want to dwell a little longer. ... (Continues continued).

"He was shot dead two days before he had to give evidence" ... and he mentions the three names that I have given to you.

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CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

What have you to say about that, the shooting of a State witness, just because he is giving evidence for the State? --- Well, I can only say that neither the A.N.C. nor Umkonto would ever comprise the act of a thing like that.

But this was doen by members of the Regional Command!

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BY MR. FISCHER TO THE COURT: My lord, there's no evidence with respect, that they were done as ...? --- I mean it's

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put on the assumption that that is true.

WITNESS: It certainly would not be in keeping with the policy and it would not be an action which the A.N.C. and Umkonto would ever encourage.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):-

Was it the policy of the A.N.C. that if you are apprehended or questioned by the Police, that you should not tell them anything? --- Oh yes, it was the policy.

Was it the policy of the A.N.C. or M.K. 10
that if you should be questioned by the police rather than giving any evidence, commit suicide? ---
No, not at all.

It wasn't? --- Not at all.

That was the teaching at the Mamre camp run by Accused No. 3, would it be the wrong teaching?
---Certainly it would be.

Well here is a case now where three people, who you admit are members of the A.N.C. who were
arrested in connection with the shooting of a State witness. 20

17(E) A man who was going to testify for the State, and a man who was a soldier of the
organisation. Did you ever take any steps to avoid that sort of thing happening? --- Well, as I have
explained the steps were taken, the policy was stated, it was explained to members, and in
addition, now and again emphasis was made, it was important in the organisation, that it must not
happen.

Now assuming as his lordship said, that I'm relying on the truthfulness, here are two cases of
murder. Were those the murders you had in mind when your 30
organisation drafted "Exhibit 'VV'"? --- Well, I've explained that we were speaking about murders in
general,

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and they had taken place.

Yes? --- And we were having in mind those which had taken place.

Yes; well these are also two murders that took place! --- Yes.

Let's come to Exhibit 'WW' that my learned friend showed to you this morning. It's another pamphlet. Your lordship will find that on pages 4 to 6 of your exhibit. Do you remember the pamphlet I'm referring to? --- Yes. 10

You'd better keep this in front of you. Exhibit 'WW' and it corresponds to Exhibit 'CS' and Exhibit 'AE' my lord. Now Sisulu this is a document which your counsel has admitted was distributed throughout the country during May of 1963. That is so, isn't it? --- I think I gave evidence about it, that it was not distributed in Natal. The A.N.C. refused to distribute it. It was distributed in the Transvaal, so there was a controversy about it.

Well, I can only tell you what your counsel 20
said, but be that as it may, let's examine it. Which part should not have gone out? --- The part which deals with Umkonto We Ziswe, the Army of the Liberation Movement.

Now let's see. This is a double-faced ... a double-paged pamphlet, the middle portion "The Leballo way is useless", and then we are now reading from the other side, and you say this part "Umkonto We Ziswe, Army of the Liberation Movement" ...? --- Was supposed to be removed, but I did say that there were one or two amendments which I cannot now say, which they were. 30

No, no, let's keep it in turn. I first asked you which part, did not find favour with you and had to

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be removed? --- My lord that is precisely what I'm trying to explain. I'm saying that portion which I have indicated, this portion.

The A.N.C. Spearhead ...? --- No, no, I'm sorry. Umkonto We Ziswe, this portion.

The whole of that? --- The whole of this portion.

The whole of that portion? --- The whole of it.

On what grounds did you want it removed? --- On the grounds that it was speaking on behalf of Umkonto. It obviously was intended for Umkonto, not A.N.C. That 10
A.N.C. was not Umkonto We Ziswe, and could not speak on behalf of Umkonto.

Notwithstanding that, the reasonable leadership of the African National Congress, still issued this pamphlet? --- Yes, that did happen. The conditions under which people worked they find the situation ... you see the position was this before. Things are discussed, meetings are easy to call.

Yes? --- And you reach the situation of illegality.

Yes? --- Where thing which ordinarily would have 20
been discussed properly, are rather discussed by two or three people. Sometimes it happens, and that is how this happens too, as I've explained, that the duplication of work, people who belong to the Umkonto and also belonging to the A.N.C. Their mental attitude also reflects this position.

Now where did this discussion take place, where you recommended that this should be deleted? In Johannesburg.

Where? --- What does that mean now? Where? 30

Where in Johannesburg? --- In the Townships.

Whereabout in the Townships? --- Are you trying

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to get the house?

I'm not trying to get the house! I'm trying to get the truth! Where was this discussed!? --- I'm saying in the Townships, in the North-Western areas.

I want to know the truth! I want to know where in the Townships! --- Well, that means whose house it was!

Well them...? Well, I'm not prepared to answer that!

You're not prepared to answer that? --- No!

Why not? --- I've explained the position. I'm not going to implicate people here! But what difference does it make? The question of which house? What? 10

Don't ask me questions please! I want to know whose house this discussion took place! --- I'm afraid my lord, I won't be able to implicate people. I won't answer that question!

You don't want to answer that question? --- No sir.

In what way will you be implicating this person? --- Because it's the question of saying so and so's house, and the next thing is that policeman must go and detain that person under 90 days to find out who the people were! 20

I'm dealing now with the responsible leadership! Who was the responsible leadership, that it drew up this pamphlet? --- The Secretariat ... you see I'm mentioning evidence in chief that a member of Umkonto drafted this, submitted it to the members of the Secretariat. I was not present at the meeting, but I saw the draft myself. 30

Who was the member of the Umkonto who drafted this pamphlet? --- I can't mention the name.

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Why not? --- Because I'm not mentioning names.

Well, unless his lordship stops me, I'm going to insist on a name! I want to know who, on behalf of Umkonto We Ziswe, drafted this pamphlet? --- It doesn't help you to insist on the name! I have explained that insofar as the people who are in the country are concerned I will certainly not answer!

Not answer? --- No! But I'll answer to people who are outside.

Oh they're safe: --- Yes of course!

10

I want to know who drafted this pamphlet! --- Well my lord, I'm not able to answer that question.

BY THE COURT TO ACCUSED NO. 2: You're not prepared to answer? --- I'm not prepared to answer.

Yes, very well.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Now who were the members of the Secretariat? --- I was one of them.

Yes? --- Mbeki was one of them.

Accused No. 4, yes? --- Mr. Nzoe was one of them.

20

Yes? --- That's all I can mention. I'm mentioning Mr. Nzoe because he's of the country.

But you are not prepared to mention who were the other members of the National Secretariat? --- No.

We'll leave it at that. Is it true to say that the Umkonto We Ziswe was the army of the Liberation Movement? --- Well, that's how they describe themselves.

I know. Is it true to say so? --- Well, that's how they describe themselves.

My question is, is it true? --- Yes. Well I

30

don't know whether I would put it this way, but I know that they are part of the Liberation Movement.

ACCUSED NO. 2.

They are part of the Liberation Movement? --- Yes.

What do you object to – army? --- Yes, yes.

But for the rest you're prepared to say that it is a part of the Liberation Movement? --- It is part of the Liberation Movement.

What is your objection to the word "army"? --- No, I don't think, I'm merely saying that. I don't know if I'll put it that way, I prefer to put it my own way.

What is your own way? --- My own way is that
they are part of the Liberation Movement. 10

"Now Umkonto We Ziswe ... we have struck against the white state more than 70 times, boldly and methodically. We are trained and practised. We shall be more so." Is that correct? --- That's what they say.

Is it correct? --- They're describing their position.

Is it correct? --- I don't know if it's correct. I never counted how many acts.

You see, this is issued by the African National Congress! --- Yes, in the light of what I've explained before. 20

Yes, and you say there "we"? --- I mean when I say "we", I mean the ...

"We have struck against the white man". Are they not identifying the African National Congress with the M.K.? --- Yes, they are.

And 70 times, so that must be according to the report back that the National High Command received? --- Yes. 30

It's an awful lot of times, isn't it Sisulu? --- That's quite a lot.

ACCUSED NO. 2.

And you weren't going to stop there! --- The question of sabotage?

Yes? --- The acts of sabotage?

Yes! --- No!

And what is more "we are trained and practised and we shall be more so". You are hoping to become more proficient in these acts of sabotage? --- It's reasonable to expect it.

"Our organisation is nation-wide, we can strike anywhere". Correct? --- Yes. 10

Now let use examine that! Your organisation operated on the Witwatersrand. It operated here in Pretoria. It made an attempt on the Synagogue, the Old Synagogue which was the scene of the trial of Accused No. 1. Right? --- And attempt was made there, yes.

By the way these machines don't take nods. I'd prefer you to say yes, unless you disagree with me. And an attempt was also made on the Minister of Agriculture! --- Yes.

The organisation also operated throughout 20
Natal! --- Yes, that's quite correct.

Port Elizabeth and East London! --- I don't know if in East London there was an Umkonto We Ziswe, I haven't heard their evidence.

Well, you've heard the evidence of Peter Nvombo and Card! Item 65 that I've just dealt with! And Reginald [Mdube](#)? --- I can't remember them having said that Umkonto We Ziswe was operated in East London.

Perhaps the A.N.C. were operating under their own colours there! --- No, but I think he also explained 30
what the position of the A.N.C. was.

Cape Town? --- Yes.

ACCUSED NO. 2.

So it was true to say it was a country-wide organisation? --- That's quite correct.

What was your objection into putting it into the pamphlet? --- Well, simply this that this obviously would be alright, issued by the Umkonto itself. It certainly does not belong to a pamphlet which belongs to the A.N.C. The A.N.C. isn't speaking on behalf of Umkonto, and it doesn't discuss the affairs of Umkonto, of where it strikes and how.

You're of course adopting what Accused No. 1 10
says, that the State was wrong to suggest that the M.K. was the military wing of the A.N.C.! --- Yes.

That's wrong? --- The State was wrong.

If I produce you at least three of your own documents which say that, then the documents must be wrong too? --- Well, I wouldn't deny that there might be documents, but those documents which will say that, will be the documents which are produced under the same circumstances as this one.

I see. More mistakes? --- Well mistakes do 20
happen. I've explained actually the position that you have the members of the A.N.C. who are Umkonto. You had a duplication of meetings, and that must affect even the mental attitude of the people concerned.

It must even affect the trained saboteurs who were blowing up power pylons and other such things? It must even affect them, not so? --- Well, the people were engaged on both sides.

Yes. I'll come to those documents later.

"Umkonto trains the youth", is that not true? --- Yes. 30

"We are ceaselessly thoroughly training an army of liberation". True? --- Yes.

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What objection was there to letting them all go in? --- No objection at all. Umkonto was entitled to make that claim.

But not the A.N.C.? --- No.

But it is true? --- It's true that they were training.

"And Umkonto has powerful allies in African States. The African States in the democratic world are behind us with allies amongst other races in South Africa."

Is that also true? --- Of course, it has not numbers of other races in it. 10

Now I want to skip the next one, "Umkonoto has a Plan Strategy", because that I'll give special attention to tomorrow, but I want to go on to "The Umkonto has leadership". That's the responsible leadership you referred to just now? --- Yes.

"Our leaders are brave, intelligent men, they work together". Is that right? --- Yes.

Where are all these brave intelligent men today? --- They are in gaol some of them. 20

Yes! They may still be brave, but where are the others? --- The others have gone for training.

And some have fled? --- Yes, some have left the country.

Yes! What caused them to leave the country? --- Well, there are many ways of leaving the country. Half have left the country because of persecution in the country.

Yes? --- Others leave the country because they go for training. Others leave the country because they have got to take other duties. 30

Is it a possible that the A.N.C. leaders, the

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brave, intelligent leaders, told the Ranken file, if you are arrested, rot in gaol? But say nothing? --- Well, any sensible person knows that that is the most reasonable thing.

I know certain people who didn't rot in gaol. They went out! Do you still call them brave? --- Which people are these?

You know who I'm referring to! These are people who told their ranken file, the average person? --- Are you referring to Mr Goldrench? 10

Yes, I'm referring to Goldreich and Wolpe! --- Well, they had an opportunity of leaving, there's nothing wrong with that!

You had an opportunity of leaving, but you didn't? --- I didn't you see, but I wasn't in the same condition.

And you heard the compliment that Mr. X paid No. 1? --- Yes.

There was a brave man, he went overseas and came back to report! --- Yes. 20

Can you see no difference between No. 1 on the one hand and Wolpe and Goldreich on the other? --- Well, if a man can escape it, why should he stay.

And then this portion in here, in black – is that correct? --- Well, were you read it again. If I'm not troubling you?

No you're not, you're not! My eyesight is almost as bad as yours. "Three Poqo men are due to hang, hundreds are in gaol, many for life. Who knows how many will be round-about after the Leballo fiasco? These are 30
the casualties in the freedom struggle. We quarrel not with bravery, but with bad leadership. We attack the

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Leballo policy, not as a petty rife, but because it takes us back, not forward along the road, ... along the freedom road. Genuine freedom fighters must find a way to fight together in unity, in unbreakable strength. There's no rule in the freedom struggle for all brave men and women. We are prepared to talk unity, to work for unity, to fight, united with the correct policy and the correct fighting strategy." Is that correct? --- Yes, that's a correct statement.

Sisulu are you correct that that this a plea now 10
made by the African National Congress to the Poqo and P.A.C. sections, let's get together and act like brothers in one brotherhood? --- Yes, not only that, but act in a responsible manner.

Yes? --- In a planned manner. In other words, if the criticism of mere rivals, mere feeling of the people.

Yes? --- But let that be a planned strategy.

So you were prepared and willing to accept within the poles the leaders and the followers of Poqo and Pan African Congress? --- Yes, because it is the ques- 20
tion of leadership, to give a proper guidance as to what is necessary in the national struggle.

And you were hoping to work with them together with a view to committing further acts of sabotage? ---Sabotage, yes.

Which could have involved further loss of life? --- No, not with that intention at all.

Well, that's what would have happened? --- No, the idea of course, as I say here would be to prevent murders, but rather to use a method of sabotage. 30

Well, we won't go into that again. We dealt with it this morning, there's just one or two passages I

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want to read here to you. You turn now to the part against which you had no objection. Let's turn to the first part. "The A.N.C. Spearheads a revolution Leballo? No. The South African people are at war with Verwoerd. 12 million people will be slaved no longer. For 300 years the whites have refused to hear our voices. The ways of peace have failed, now we fight to be free. The Verwoerd Government made it impossible for us to win our birthright any other way. The A.N.C. tells the people straight the struggle that will free us is a long, hard job. Do 10 not be deceived by men who talk big with no thoughts for tomorrow." Is that correctly reflected there? --- Yes.

And you had no objection to that? --- No.

What had you in mind when you say "that the struggle that will free us is a long, hard job"? --- What's the question again.

What did you have in mind when you said the struggle would be a long, hard job? --- Because those who are in power, are not prepared either to negotiate, and I'm not prepared just to leave things.

So you were prepared to start with sabotage?

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--- Yes, that's correct.

Carry on with the guerilla warfare? --- If need be.

And I'll come to another document presently, and then when the situation is ripe you will insurrection in the rural areas particularly? --- Well, once you have guerilla warfare, it might lead to that.

It must! --- Yes.

And then you would be assisted by outside

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forces landing in South Africa on the coast lines or across the borders? --- In a situation of war, that also is

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a possibility. That is not what we planned.

But you envisaged it? --- Well, in a situation where you fight, that is likely to happen.

And then that would be followed ultimately by civil war? --- Yes.

You envisaged that too? --- I did. We warned the civil war will be inevitable unless the situation changes!

And that is something that you and the A.N.C. always had in mind? --- Why do you say so? 10

Because I'm trying to state the facts! --- That's not a fact!

Did you not have it in mind? --- We have demonstrated for years, that we did not have it in mind at all! But we changed insofar as the A.N.C. permitted in 1961, in which members participated in.

Well, you see Sisulu I said earlier that I'd have to remind you again, and I do remind you again, that I'm only interested in terms of the indictment for what happened from 1961 onwards. --- Oh I see, yes. 20

And then you end up that that kind of circular organised violence and smash a party.

BY THE COURT. Well, what's more important, is how are we to smash them? That paragraph is more important! That seems to me to be inconsistent with this explanation that the A.N.C. is separate from the Umkonto. Put that to the witness. --- Unfortunately I lent my copy to the typist my lord, and the copy I have here, I can use.

(Court hands Dr. Yutar a copy).

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

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Shall I read it to you? --- Please.

"How to smash them. With planned strategic

ACCUSED NO. 2.

violence, already scared, the whites are on the lookout. We must hit them when they are not looking, we must strike where they do not expect it. We must hit them hardest where they are soft.”

BY THE COURT TO WITNESS: Now this is the A.N.C. not the Umkonto? --- Yes my lord. I'm not sure here, but I did say here that there were one or two amendments.

That also is something that should have been left out? --- Yes.

And was put in by mistake? --- There were one or 10
two amendments which were made but, the circular went out as it was.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

No Sisulu may I trouble you to look on the inside of that document? (Witness complies). I want to read from the left-hand side, the paragraph under the heading “P.A.C. knows nothing about war”. By the way, does that carry with it the implication that the A.N.C. does know something about war? --- Well, perhaps that it would not act in the same way as the P.A.C. did. 20

“A crowd of unarmed men on a midnight march cannot break the police, the army and all the oppression of Verwoerd It is no good to think in terms of impis, nor of modern guerilla war, P.A.C. leaders like Leballo talk of revolutions, but they do not work at how to make the revolution, war needs careful plans. War is not a gesture of defiance. For a sum total of 9 white youths, only one of them a policeman and he killed by accident! Hundreds of Poqos are in gaol serving thousands of years of imprisonment! For a wild boast, Leballo's caused a round-up of unknown numbers of young fighters.” 30

Is that approved by the A.N.C.? --- Well, I don't know but

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I would not disapprove of that.

You wouldn't disapprove of that? --- No!

In other words, you admit then that war needs careful plans? --- Yes, I admit that.

And now you complain that only nine whites were killed, the one of them a policeman, by accident. Is that something really to complain about? --- No, this is not complaining. We were merely stating a situation, we are saying that what you were doing, even in what is considered to be an action. You are merely endangering 10 people. You are merely endangering your own people. It's merely warning and explaining the position.

Warning, yes, yes. "The sum total of nine whites killed, only one a policeman, was killed by accident." Now let's go over on the other side "Brave men must know how to fight". "The leaders must have control of the soldiers, their soldiers. The soldiers must know what the leaders want. The freedom force of South Africa must be co-ordinated. Cell with cell, branch with branch and region with region, in revolution. There must 20 be strong discipline. No action ... of half cast."

Correct? --- Quite correct.

What control did the leaders have over their soldiers in this case? --- No, it ... all that has been suggested here, is that instead of an organised situation as was the fact in the P.A.C. Movement.

Yes? --- It says we should consider a way of properly organising control on it's own soldiers, even if they were to plunge into war.

Does it carry with it the suggestion, you 30
P.A.C. leaders don't know how to organise! We A.N.C. do know! We have leaders with control over the soldiers!

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Doesn't it? --- No you see, that suggests that the A.N.C.

Yes! --- Would not do what they have been doing. They would consider the question of war or revolution, as the case was standing, a serious matter, which must be gone into carefully and whether it is necessary or not, is quite another thing.

"And the freedom forces of Africa must be co-ordinated." A.N.C., M.K., P.A.C., Poqo, South African Communist Party. All must be co-ordinated? --- Yes.

"Cell with cell, branch with branch, region
with region." That was the organisation of the A.N.C.? --- Yes. 10

And the M.K.? --- Yes.

Where you had your cells ...? --- Well, I don't know if the M.K. had cells, but I know the A.N.C. had cells.

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Belt 18E.

1.

ACCUSED NO. 2: Well I don't know if the M.K. had cells, but I know the A.N.C. had cells.

And your speech leaders yes. Right – then the next paragraph you speak of no misuse of manpower, freedom fighters must be trained, and I want to read the next. “Don't mistake the real target. Poqo is said to have killed five white road builders in the Transkei recently. There are more effective ways of busting white supremacy states. A few road builders make no difference to the revolution. Instead smash railway lines, damage pylons, carrying electricity across the country, bomb out petrol dumps, cut Verwoerd off from his power and leave him helpless and these acts are only the beginning.” A.N.C. policy? --- No.

Why is it there? --- Well ... I don't know why it is there.

Another mistake? --- I would not say another mistake – as I say I cannot explain which of these were in fact to be removed.

Well, what should be removed? Study it carefully and tell his lordship .. --- As far as this is concerned, I would not approve of it.

You would not – why not? --- Because among other things it talks about damaging the railway line.

Now you know why I asked you that question earlier. Were you against damaging railway lines? --- Yes, oh yes.

Why? --- Because you might injure the passengers.

Well in fact it was done on three occasions. --- Well I certainly don't think that it was done by us.

And two were done in Durban, and Mr. X told us

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about it. --- The damaging of the railway lines?

Yes. Remember one just before you came to the concrete carrying the bridge? --- Well I don't know what he said about it, but certainly if it was done in Durban it falls outside their scope.

But falls within the circular. --- Well the circular mentions that. I think that the National Executive of the A.N.C. certainly would never approve of a circular like that, and that includes this.

And a funny thing, you know Sisulu, although
your counsel said that this circular was distributed throughout the country, you said it was not distributed in Natal. --- Yes that is so. 10

But Natal nevertheless knew what to do – they damaged the lines, the railway lines on at least two occasions. --- Well I don't know ... I don't think that they were following this circular.

Perhaps they got their instructions direct from Rivonia when Mr. "X" Came there. --- I certainly don't think they could have ever got such instructions. 20

Well let us just examine this carefully. "Damaging pylons" is that in order? --- Quite in order.

That is in order, even though it might carry electricity serving hospitals, that makes no difference. --- Oh yes.

It makes no difference? --- No. Well innocent people may suffer.

They may suffer? --- Yes.

So it has got to be done? --- It has got to be done.

"Bomb out petrol dumps". Any objection to that? ----
No objection. 30

ACCUSED NO. 2.

And that was done in Cape Town? --- Well though it was done in Cape Town, as far as my recollection, if I am right, I think it was done by anybody connected with Umkonto but there is no objection.

No objection. It was done at Sasol. --- Yes.

And where the police officer very fairly told his lordship that it is so protected, the one dump from the other, that there is no danger of the others being set alight.

But you have no objection to that? --- No.

Even although it could set the whole place
alight, the whole country alight? --- Well if it is done with due regard to life, of course. 10

Well if you want to blow up a tank containing 100,000 gallons of petrol, you know – there would be no danger of life to people in the vicinity – none at all! ---Well, it depends where it is.

Sasol – you know where it is. Sasolburg. --- My recollection is that there are no people who stay there.

No houses there? It is an industrial area? --- Yes.

So there is no objection to doing that? --- There
are no people there who live there actually. 20

Oh yes! --- Then I may be mistaken.

So you had no objection to pylons, petrol dumps, but you objected to railway lines? --- Yes.

Just railway lines? --- Any other objections? --- Wherever there are people living there, for instance.

Now we come to the last paragraph on the right hand side “Above all security – Freedom Fighters must keep their mouths shut. There is no room for those who give statements to the police.”
Young Sip Mango(?) did not keep 30

ACCUSED NO. 2.

his mouth shut – he was going to give evidence for the State. Was he a traitor in the eyes of the A.N.C.? --- Well you know the question of people being opposed to giving information, it is not a new thing, but it does not mean killing at all.

But that is what happened to young Sipo Mango? --- And I say as far as that is concerned, it could not have been passed.

But according to this circular he is a traitor to the cause. --- Of course he is a traitor – a person who gives evidence against his people is a traitor. 10

Well how do the A.N.C. deal with traitors? --- Isolate them. The time may come when we might have to try them.

Yes? And shoot them? --- I don't know what the result will be of such a trial.

And how do the Communists deal with traitors? --- Where?

Anywhere? Shoot them first and try them afterwards? --- I can't profess to know what the Communists did.

Right. But you were associated with the Communist Party in this country. --- Yes we were. 20

You were! --- Yes.

Closely associated too? --- Oh yes.

I am going to show you documents. --- Yes.

Unless they are mistakes? --- I can't answer until you give me the documents.

Yes, I will show them to you. Now look here we will carry on. "Young recruits who have a few drinks and start boasting are a danger. Arrested men who turn State 30

ACCUSED NO. 2.

witness betray the struggle. No abortive adventures, no police penetration of the freedom force.”
You agree with that? --- Yes, oh yes.

So all you didnot want in this page was the railway lines, but you cannot explain why the railway lines were damaged, two in Natal, and on the Kroonstad line. --- Well I say it was not part and parcel of the policy, but people did wrong things. They do.

Just a few other topics I want to deal with.

BY THE COURT:

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Just before you go further – I don’t quite follow this: these circulars were distributed by the A.N.C. not so? Distributed to their Regional Committee and by the Regional Committees to their members, not so? --- Yes my lord.

Now any Regional Committee reading this circular the passage Mr. Yutar has read to you, about smash railway lines, that was an instruction to your Regional Committees to smash railway lines, isn’t it? That is how I understood it. --- No, no, first of all it would not be. The A.N.C. members are not engaged on smashing lines. Their task is clear, it
is a political task my lord. 20

No, no, but this circular – didn’t this circular go to the Regional Committees of the Umkonto – wouldn’t they get a copy of this circular? --- Yes even if they did ... you see, I don’t think this circular is an instruction. This circular first of all is a circular which is explaining. Its real place ...

Well, leaving the mistake out now, I mean, this circular, assuming it is not a mistake, says that the policy of the A.N.C. is to bust White supremacy, smash railway lines, 30

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damage pylons and bomb petrol dumps. --- Yes my lord.

That to any reader would mean that that is the policy of the A.N.C. being communicated to its members, not so? --- No my lord. That is what I am trying to explain.

Yes? --- The point I am trying to explain – members of the A.N.C. would never accept this leaflet as an instruction. They would read this leaflet as explaining the approach on the situation, the difference between the P.A.C. and what the A.N.C. would do. Now the A.N.C. members are not engaged on sabotage, and to do that would mean that an explanation must be given to them that now you as A.N.C. members do so and so. 10

Well now I still have a lot of difficulty with understanding it. As I understand your evidence, the Executive Committee now approves of the National High Command of the Umkonto. --- It approves that acts of sabotage be undertaken.

To a certain extent it supervised the activities of the Umkonto, because, according to your evidence, Umkonto has to come and get approval for some of the things they do. --- Yes for instance like the training. 20

Yes, exactly. Now the Umkonto again gives instructions to the Regional Committees. --- Yes, its own Regional Committees.

The National Committee to the various Regional Committees? --- Yes.

How do they give their instructions? --- By contacting them, not by written material.

Some man acting as liason? --- Yes, except insofar as the first policy was laid down in the Manifesto, and I think there was another document which was also issued a year 30 thereafter. Otherwise the instructions are by verbal contact.

ACCUSED NO. 2.

Now then the Regional Committee again has its various sabotage committees, and to a certain extent they act under instructions, and to a certain extent they just do what they think is right, not so? --- They are supposed to act on instructions only.

Supposed to act on instructions, but in actual fact very often they just do what they think they should do? Some of them did, yes my lord.

Now you are not responsible for anything they do unless there is some instruction gone down right from the

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Head Office down to this particular man committing the act of sabotage? Is that your argument? --- My lord, the proper approach would be that people should do what they are told. It does happen in life that people do the opposite. But that is not our instructions, and that is not our understanding. We tried, to the best of our ability, to say how it should be done, what should be done.

That is what you now call organizing the acts of violence. --- Well I don't know sir.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

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Sisulu, is it not a fact that instructions were issued by headquarters to the Regional committees, not only by word of mouth, but also by circulars? --- Of Umkonto? I have never heard one.

Of the A.N.C. --- Oh no, no, I am talking about Umkonto. A.N.C. does give directives by written word. Oh yes.

Yes. If we accept for the moment that Umkonto is the brainchild of the A.N.C. there is no objection to the mother giving instructions likewise by circulars? --- I don't quite follow.

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ACCUSED NO. 2.

If the M.K. was the child of the African National Congress, there is no objection to the mother body, the African National Congress, giving instructions to the child, its offshoot, by circular – no objection? --- No I think I understand the position. These are two different organisations. Umkonto We Sizwe comes into existence, announced its existence, it is definitely separated even in its composition, composed of various racial groups. The A.N.C. is a different organization. It is an organisation consisting of Africans only. All that the A.N.C. did was to say “we will not condemn it. We will permit our members to participate.” 10

If you look at this circular again, in the light of what his lordship just said earlier, you will find that you conclude the circular with the slogan of the African National Congress, not so? “With your support we will win”. You have got the slogan of the A.N.C. and look what you say thereafter – just read it “Be careful, but let others see this.” --- Yes.

What did you mean by that? --- It is a leaflet.

It is a leaflet yes – to be passed on to your people. “Be careful – let others see this too.” --- I don’t know what careful means in this sense, because this is a document which is for the public, not a private document.

Now come, come! You were a member of the National Secretariat – you know and understand what you write. What does ‘be careful’ mean? Two simple little words. --- I know what it means.

Well then, what does it mean here? --- That is why I say, I would not use a word like that here. I don’t know what it means – it has no meaning, absolutely no meaning here.

ACCUSED NO. 2.

No meaning? --- Of course not, because this is a public document.

It has got no meaning at all! – I don't know its meaning at all.

There is nothing revolutionary about this. --- I don't quite understand.

“But let others see this” – who are the others who are to see this? --- Perhaps the carefulness here might mean this: the A.N.C. is an illegal organisation. I am sorry, I think that is what it means. 10

Yes. --- The A.N.C. is an illegal organisation – in passing on a leaflet like this you might be arrested.

Oh I can show you a lot of leaflets of the A.N.C. some issued very recently, too – last Friday, for one – where there is no mention of “be Careful” - none at all. --- No I don't think all the leaflets do, but I think that is all it means. I don't know what interpretation...

Who are the others to whom it should be passed on to? --- Those that did not see it.

And for what purpose had it to be passed on? --- 20
To be acquainted with the contents.

For what purpose? --- Well, for the message which is contained in the leaflet.

And the message, of course, speaks for itself? --- The message is largely to say the P.A.C. methods are wrong. That is what it means.

I show you two other pamphlets, Exhibit QQQ.

Look at this one here. You see that? That is another pamphlet. --- Yes.

Now here is another pamphlet issued by the African 30
National Congress. It does not say anything here about

ACCUSED NO. 2.

being careful and you see what it is headed "The A.N.C. is alive. The Umkonto We Sizwe fights on". Both are bracketed together. "The Police say they have smashed the African National Congress, our reply is 'The A.N.C. shall never die'. Our underground organisation is at work tirelessly meeting, organizing, planning. Our secret forces are with the people all the time, in the buses, in the factories, in the townships. We shall strike the oppressive Government when we are prepared, and the A.N.C. is ready for anything." Is that correct? --- Well to say 'ready for anything' is putting it rather

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strongly. I don't think it is correct.

Rather strongly!) --- Yes an extravagant language actually to say that.

Look at Exhibit R.R.R. now. "The [Ru oles of a VolcanO](#)". That is also issued by the African National Congress? --- Yes.

"The recent violent clashes at Paarl, Kwa Mata(?) and Queenstown must be looked atin their proper perspective. They are a writing on the wall, sharp and clear warning to the oppressors that the volcano that they have been for

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years is about to erupt and will involve every South African black or white." What are you preaching there? --- I think that this circular, too, should be looked at in the same way as the other one, that is it describes a situation. It is not preaching anything. It says this is the result of our situation in the country.

Is that a correct reflection of what the A.N.C. wanted to convey? --- I think it does convey that actually. It is the writing on the wall – you will have this type of thing.

Yes, what is the volcano you have in mind? --- Well, civil war for instance.

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ACCUSED NO. 2.

Civil war – at least we have got it clearly now.

Right “It is futile to try, as the Government is trying to do to lay the blame on a few mischiefmakers and to pretend the problem can be solved by mopping-up operation in which the Africans are shot, arrested and even ultimately hanged. This approach superficial and dangerous because it merely intensifies the very methods against which the people are revolting.” Now I just want to read some other passage – you see the heading “The Peoples’ Life is a Living Hell.” Have you got that? That is the fourth paragraph, beginning 10

with “The supporters of white domination” – have you got that? --- Yes.

“... have consistently been warned that their brutal denial of rights to our people, the contemptuous dismissal of the people’s demands, the ever-growing harassing of our people, the ruthless suppression of the political organisations activity, and to crown it all the complete reliance on force and violence against the people, parading [saracens](#) and “skiet-kommandos’ will provoke our people to do that with other people in similar circumstances have done, 20
namely to strike back at the enemy in the way in which it strikes at the people. We warn that oppression with the sword will provoke resistance by the sword.” What are you there warning the people? --- Well we are saying if the Europeans continue, persist in this road of not negotiating, of not talking, the nett result of that, in the end, will bring about civil war.

Now take the next paragraph, just the last four lines “The whites must realise, and the sooner the better, that they have created a situation so intolerable that 30

ACCUSED NO. 2.

the Africans are beginning to storm the citadel of white domination in spite of crude weapons, and regardless of the consequences.” --- Describing a situation.

Are the ‘crude weapons’ that you are there referring to perhaps not the pipe bombs, the syringe bombs, the bottle bombs, the petrol bombs that you had been manufacturing? --- No, no.

What are the crude weapons then? --- Talking about things that have been used in Paarl for instance.

Is that the only crude weapons you had in mind? 10
--- I think so.

Nothing else? Does it not speak about the position generally, throughout the country? --- It is really, it is a statement issued in relation to a particular event.

Oh! --- Yes, it is dealing with the ... it deals with the Paarl situation and Kwa Mata.

Yes, it says “The recent clashes at Paarl, Kwa Mata and Queenstown must be looked at in their proper perspective” and now you are placing those three events into the perspective of the whole South African field? --- Oh yes, to 20
look at the situation in the light of this.

Now what are the crude weapons you have in mind? --- The crude weapons that were used in these particular what youcall ... places.

And what weapons were used there? --- I can’t profess to know, I think pangas and other things.

And regardless of the consequences? --- Yes, that is what they did, by marching to the Police Station, they disregarded the consequences.

That is your interpretation? --- Yes. 30

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The 'crude weapons' refers to those three incidents? --- Yes.

Well, let us test that in the light of the last paragraph on that page "Unless an immediate halt is called upon this brutal and barbaric experiment on human life by those who support white domination, there will be more dead people to mourn for. The conflagration, conflict and violence will spread. The volcano will not only rumble, but will erupt. The weapons and methods of Africans will not always be inferior, nor will the casualties be higher among the oppressed." Now Sisulu, does it still refer to the three places, Paarl, Kwa Mata and Queenstown? --- Well, this is a general paragraph. It is a general paragraph, and it is saying that if there is no halt in the situation, then it must lead to what has been described.

And you have again got in mind here sabotage? --- Well, with other things ...

... Geurilla warfare and eventually civil warfare, and the casualties will not always be higher amongst the oppressed. In other words, you are here warning the white man that the casualties amongst them will be far higher than they are amongst the non-Europeans. Is that an explanation or a warning? --- It is a warning.

Of course it is! Finally, the last paragraph on page 2 – "The choice is between white domination and white privilege maintained through bloodshed, turmoil and conflict? Power to all the people of our country in peace – the time to choose is running out." Are you not preaching, there, Sisulu, a bloody revolution? --- Well we are having in mind that revolution will eventually take place unless ...

Unless! ... --- We are not denying that at all, unless

ACCUSED NO. 2.

the conditions which we describe ...

And those are the conditions which you have been envisaging at the stage when this circular was drawnup? --- Statements like this could have been made even earlier, merely saying that a situation like this will emerge, unless something is done.

And by the way – who drew up that circular? --- This one?

Yes. --- I think this is an official circular.

Yes it is. Who drew it up? --- The National
Secretariat.

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You had a propaganda committee didn't you --- Yes.

Who did it consist of? --- Well I can't exactly give the names.

You mentioned one earlier this morning. You told us this morning one name already. He has not fled the country. --- Well the only name I mentioned was Mr. Mbeki.

Yes, you mentioned somebody else as your propaganda expert. --- Oh, no, no, no ...

Yes you did. --- No I did say ...

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What? --- I did say that Mr. Bernstein is an expert on propaganda, not A.N.C.

Expert on propaganda – Oh I see. --- Not A.N.C. This is A.N.C.

119. Well, this is propaganda isn't it? --- This is not A.N.C.

Oh I see? --- I mean, he is not a member of the A.N.C. No European is a member of the A.N.C.

I know – what is he a member of? --- I knew him as a member of the C.O.D.

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ACCUSED NO. 2.

The C.O.D. Congress of Democrats? --- Yes.

Communist Party? Yes? ---

You co-opted members of the Communist Party? --- I don't know if he is a member of the Communist Party. He is a member.

He is a member? --- Yes.

You see, you co-opted Bernstein in connection with propaganda ... --- Not for A.N.C.

For what propaganda? --- It was in connection with the question of 90 days, it was a general question, not a
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matter of A.N.C. We were putting across propaganda in regard to the 90 days.

But 90 days is a recent innovation. He did not become an expert, or have a flair for propaganda as a result of that? --- Oh no, in the past he did play an important part in joint campaigns.

Well I am going to suggest to you that this was also a joint campaign? --- Which one.?

This campaign for guerilla warfare and civil revolution ... civil war? --- This is a statement by the A.N.C.
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I am trying to say to you that as far as the A.N.C. is concerned, it issued its own statements.

Without assistance? --- No assistance whatsoever.

You know, you identified yourself with a statement made by Accused No. 1. --- Yes.

That the State was wrong in suggesting that the A.N.C. was dominated by the Communist Party of South Africa. --- Yes, oh yes. Certainly.

And that of course is the fault of whoever made that statement? --- Well it is an incorrect statement.

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The State has said it in the past, hasn't it? --- Yes.

ACCUSED NO. 2.

And it is wrong? --- It was found wrong.

The Police have said it in the past, and it is wrong? --- Of course they are wrong.

None of you people have ever said it? --- Which people?

African National Congress. Would you ever make a statement like that? --- No, there is no question of domination. There has been statements of objection to do operation. Not domination.

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But an A.N.C. would never say that the A.N.C. is dominated by the Communist Party? --- Why should they say so when it is not?

I am just stating ... --- It is a ridiculous proposition!

Of course it is! --- The A.N.C. is not dominated by the Communist Party.

And I suppose it is equally ridiculous to say that ... any of the African countries supporting you it would be equally ridiculous for any of them to say that the A.N.C.

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is dominated by the Communist Party? ---- Well I don't know. I can't speak for other countries, somebody who is not in favour of the A.N.C. policy may say so.

Oh no, no, I am talking about African countries, African States who promised you all support, financial, liberty and otherwise. These countries who were in favour of the A.N.C. they would never say a thing like that would they? ---Well, I don't know if they would say so. You see it depends, if some people are convinced that those who are co-operating with it ... they might say so. I don't know.

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I can't speak for them.

ACCUSED NO. 2.

But if they said it, it would be wrong? --- Absolutely.

Did accused No. 1 ever make any such report to you? --- Yes he did.

When? --- When he came back he made some report. I am ... I don't know whether I am catching your question properly.

Yes? --- I don't know ... he did make a report that an impression has been created that we are being dominated, I think by the Whites. I don't think he said Communist Party. 10

And where did he get that from? --- Well on his travels abroad.

He did not say where? --- Well he did mention certain people.

Dominated by the Whites, and not by the Communist Party? --- Well, also the question of the Communist Party, yes.

Oh yes, there is one other thing: and you also associated yourself with the observation made by No. 1 accused that he is against White domination, and that he is also against black domination? --- Yes. 20

That there is room in this country for co-operation between White and non-White? --- That is correct.

And that is your theory too? --- That is correct.

And that is the theory of the members of the National Liberation Movement? --- Yes.

And that is also the view of all those who support the National Liberation Movement? --- That is correct.

Whether they support them by finance or military aid, of whatever other aid? --- I can't follow your trend. 30

ACCUSED NO. 2.

Well anyhow, that is your view the view of the A.N.C.? --- Yes.

And it is the view of the National Liberation movement? --- Yes.

And it is the view of all those who support the National Liberation movement? --- Yes.

From within or without? --- Yes.

Look at this document, Exhibit R.13. That is Mandela's report on his tour of Africa. Do you see what he says in the middle of the page? "It is clear that in this
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area there are great reservations about our policy, as there is a widespread feeling that the A.N.C. is a Communist-dominated organisation." --- Yes.

That is what your friends across the border are saying? --- Some of those were not very friendly towards us. They were spreading this type of propaganda.

Well now just let us look at it, and see what areas you are referring to. Just turn over – it deals with the political climate in the Pafmesco area. --- Yes.

And then it mentions all the names we have had
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before. --- Yes.

And that is the view now of these States that are helping you. --- Yes.

What explanation have you got for that? --- Among the African States there are people who are very sensitive to Communists, and in this country there is the greatest propaganda ever which tries to smear A.N.C. as a Communist-dominated organisation. These things mean quite a lot to those countries. Unless explained, they must consider such a report.
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ACCUSED NO. 2.

But here is a report made by Accused No. 1 --- Yes.

On his return from this tour that this is the wide-spread feeling, that the A.N.C. is a Communist-dominated organisation. You deny this of course? --- Yes, yes.

Just a little further down it says "Hilda's brilliant address is not appreciated. Application of C.O.D. for membership of A.P.C. (?) defeated on a motion from delegate of Communist China. Who is this Hilda? --- I suppose it must have been Hilda Bernstein.

The wife of No. 6 accused? --- Yes.

And she is also a member of the Communist Party? --- I don't know if she is a member of the Communist Party.

You don't know? --- No. She was a member.

She was a member. Now just turn to this heading on the second page, 'Political Climate in the Pafmesco area.' Striking feature widespread anti-white feeling and a violent opposition to anything that smacks of the concept of partnership between black and white.' Here is a report made to you (page 2). The last six lines. Opposition across the border to any concept of partnership between black and white'. --- Yes, understandable. That is the position.

Understandable, and yet you say under oath, you agree with what No. 1 says, that that is your solution of the problems of this country, the concept of black and white co-operation. --- Oh yes. We have absolutely no doubt that as a feasible proposition it is the only answer – no other. The question of what Africa says or anybody else is not the (not legible – covered by stamp) ... question is what do we feel in this country?

And yet the rest of Africa – I am putting it a bit

ACCUSED NO. 2.

too high, but many states of Africa are the countries to whom you have appealed for assistance, military and financial? --- Yes that is correct.

And they are the countries that are supporting you militarily and financially? --- In spite of our policies.

In spite of your policies. --- Yes.

And they are the countries who are against this concept of partnership between black and white? --- Yes.

And notwithstanding that, you still say that can be the position in this country? --- Of course. I am saying
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that the position is decided by the people of South Africa, not the people outside.

Incidentally, Sisulu, when did you join the A.N.C.? --- If you don't mind, just let me ... the point that was raised just now ...?

Yes. --- That what this does mean. It merely emphasises the difficulties and the problems of our organisation, of our policy, and yet we are prepared to stand by it. We educate other people in this country, and abroad, that the only solution in South Africa is living together
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of black and white, and no other.

And in the face of opposition from the African States? --- Oh yes.

BY THE COURT:

Living together, but doesn't that involve, according to your ideas, control by the non-white element, because they have got more in numbers? --- My lord, we have always maintained that perhaps because of historical conditions in this country, that the mere fact that the Africans are in the majority would not mean black domination.
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No, but black control? Won't mean black control?

ACCUSED NO. 2.

--- Only in the sense that the majority of the voters will be black.

That necessarily involves control, not so? --- Well it might be that the control can be exercised by both races, elected together. We have in the history of this country an example, that when the Cape Province had a right to elect ... that is the Africans ... instead of electing an African, the Africans themselves elected a European. There is this question of living together in South Africa.

You would never agree to that though, would you? --- Why not?

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Your being represented by a white person? --- No, not to be represented my lord. We don't want to be represented but we say if the people of South Africa elected Dr. Verwoerd, by all means let him come to Parliament. He is elected by the whole lot. We are not fighting the issue on the basis of colour. We say that can never work.

CROSS-EXAMINATION BY DR. YUTAR (CONTINUED):

Sisulu, with an eye to count no. 3, perhaps it is pertinent at this stage just to ask you this: if 20 eventually the non-Europeans got control of the country, what would be the position if the responsible leadership made a few more mistakes and dropped a few more bombs in houses of the whites? --- Well on the question of responsibility insofar as this line is concerned, it is not a question of colour. Europeans have done worse things in this country, they have bombed each other.

I am talking about the responsible leadership that you have referred to that made mistakes – what if they cut away some more railway lines? --- I said that the question of being irresponsible is not a question of colour. The

ACCUSED NO. 2.

leadership of the A.N.C. had demonstrated for the last 50 years that they are most responsible.

Most responsible? --- Oh yes.

And notwithstanding it, you gave your benign blessing to the creation of Umkonto We Sizwe and allowed them cart blanche to commit acts of sabotage? --- Very much against our feeling. We have tried, by all means, not to get into this situation. We have been forced into a position whereby this had to take place.

Much against your feeling! --- Oh yes. We
don't like violence.

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Alright, I am going to examine that presently. When did you join the A.N.C.? --- 1940.

In what capacity? --- I was an ordinary member.

Yes? And when were you promoted to Secretary-General? --- In 1949.

A position you occupied until? --- Until I was ordered to resign by the Government.

And that was? --- In 1954.

But you still remained a member of the A.N.C.? --- I still remained a member of the A.N.C.

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Now I said to you before I am only starting at the year 1961 or perhaps a year earlier. In 1960 the A.N.C. was banned? --- Yes.

Until then you say that it was an organisation that preached non-violence, and ensured that no violence took place? --- That is correct.

It was a well disciplined organisation? --- Yes that is correct.

And it followed its leadership? --- That is correct.

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Who was the leader of the A.N.C. when it was banned?

ACCUSED NO. 2.

--- Chief Lutuli was the President.

And who were the other leaders,? --- We had an Executive of 22 members. I don't know if I can remember, Mr. Mandela was one ...

Oh I am not asking you for names this time so we won't worry – unless you wan to give them? I don't want them.

No. 1 was ..? --- No. 1 was the Deputy-President, but he was also asked to resign in 1953.

However, in 1960 the A.N.C. was banned? --- That
is correct.

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And then you say you were experiencing trouble from certain members of the A.N.C. who wanted to go over to violence? Yes my lord.

Here I want the names – who were the people who wanted to go over to violence? --- Well I don't know why we should be quarreling about this question.

I promise you I am not quarrelling. I just want to know who the people were. --- No but you see you are putting me in a position whereby I have to continue saying
I can't give the names. The organisation was banned in 1960, and why should I give the names of the people who were taking this line? I am saying in 1960 this thing came about.

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Put it this way – you of course refuse to disclose the names, is that your attitude? --- Yes.

Those who wanted violence, were they members of this National Executive? --- No, no, they were the rank and file members. Perhaps on the provincial level, some of them the rank and file members.

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ACCUSED NO. 2.

And how many were there altogether who wanted violence? --- Well I can't really give the number, but I know that it was a discussion which was taking place in various levels of the A.N.C.

But if the A.N.C. was a disciplined organisation until then, could you not have continued to discipline these people and say "That has been our policy for the last 50 years, and that is how we remain for the next decade?" --- Yes, except this, that by 1960 fate had completely changed the situation. The organisation was illegal. 10

Yes? -- Before this difficulties were easy to solve, because you could address a public meeting, and tell the people, and assure them and you could have demonstrations, you could have a strike, you could have, for instance, even a stubborn Government like our Government, you have it forced by the boycott in Alexandra to concede, because of a demonstration. There were such things.

So therefore what caused this change of front from non-violence to violence was the fact that the A.N.C. had now been declared an illegal organisation, and they 20
could no longer protest in the manner they did up til then? --- The avenues were completely closed.

Well then didn't the leaders of the A.N.C. feel the same way? And say "Well we will go over to violence?" --- They were now able to reconsider their position, because they realised that the realities of the situation demanded that they should be changed.

Let's be brave about it, why then blame then rank and file? The leaders themselves are now prepared to go over 30
to a policy of violence? --- Well my lord, I think it is known

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that the natural reaction of the people will be that things must be settled by force. That was indeed the position – it was the education of the A.N.C. educating the masses which made the decision to be what it was.

That is what I wanted. --- So that it is not correct to say that it is only the leaders. I say that the leaders also realised that they were faced with a situation which was becoming more and more difficult.

And so the A.N.C. through its leaders is now educating the Masses, 'because of this banning we now for- 10
sake our policy of non-violence, and we go over to violence?' That is what you said? --- No.

What were the leaders to educate the masses, in what? --- I am saying that the leaders educated the masses before about the non-violent policy. In other words the people did not just feel "Well we don't want violence" – it is a natural thing for the people to feel 'we will settle it by force'. It was the education by the leaders which made the situation to be better off than it was.

However, we reached a stage now where you said 20
some of the people wanted violence the policy of violence? --- Yes.

And the A.N.C. agreed thereto? --- Yes.

The Executive accepted the position.

In fact, is it not true that the A.N.C. said "There is nothing sacred about a non-violent policy. The time has come now to resort to violence?" --- No. If you know the nature of the executive of the A.N.C. one would know that it is not as simple as that. You had people who were so wedded to the question of non-violence, and it was 30
not easy to convince the Executive about this, and that is why

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there was this sort of a compromise, because among the members the people had joined on the basis of non-violence.

Is it not a fact that the A.N.C. now specially renounced its policy of non-violence, and went over to one of violence? --- No sir, that is not correct. What it did was to permit its members to that extent...

To commit violence? --- It did allow violence.

And if I show you several documents which say that this is now the policy of the A.N.C. would that be a mistake? --- It can never come from the A.N.C.

Never come from the A.N.C.? --- No. That it is the policy of the A.N.C.

And was there not also a policy of the Communist Party of South Africa to enjoin the A.N.C. and its followers "Forget about your policy of non-violence, and come over to violence"? --- Well I don't know what the policy of the Communist Party was. I can only speak about the policy of the A.N.C.

But these were your bed-fellows, the Communist Party. Was that also their policy? --- I can't speak about the Policy of the Communist Party. I don't know what it was. But I do admit that when they were legally in existence they did their best to see to it that the policy does not clash with the policy of the A.N.C. which was the main organisation.

Are you denying that that was the official policy of the Communist Party? --- No I don't. You mean the policy of violence?

Of violence. --- I am not aware that their policy was a policy of violence, but I am not prepared to speak about the policy of the Communist Party. I am not an authority on

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that.

Tell me, the National Liberation Movement, who did it comprise? --- Actually it is a broad term, although our understanding of it, it applied largely to those who were working with us. The Indian Congress.

African Indian Congress, Congress of Democrats --- Yes the South African Coloured Peoples' Congress.

Yes? --- And the A.N.C. but it is much broader than that.

Sactu? --- Perhaps to a limited extent, because it is a trade union.

Why have you left out the Communist Party? --- No I left it out because the Communist Party was banned in 1950 when Congress Alliance came into existence.

I know but were they not part and parcel of the National Liberation Movement? --- Yes they are.

Of course. You see I don't know why you and No. 1 accused are so very keen to tell the Court that the A.N.C. had nothing to do with the Communist Party.

MR. FISCHER: No never!

MR. YUTAR: Or that they were not allied in this great venture. --- No no, it is not a question of being keen to say anything which is not true, it is a question of correcting a wrong ...

Well it is read from Exhibit R.39 (Volume 2, page 391). Now that is the programme of the South African Communist Party. --- Yes it is.

The Road to South african freedom. --- Yes.

Look at page 53. --- Yes.

The last paragraph. "In the face of these provocations the Liberation movement had to reconsider its

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attitude towards non-violence as a universal principle. The patience of the people is not endless. They are determined to win freedom in our lifetime. They would prefer to achieve their liberation by non-violent means, but today they are left with no alternative but to defend themselves and hit back – to meet violence with violence.” Just pause there for a moment – isn’t that what the A.N.C. was doing now through the M.K. --- Yes, in that sense it was.

To carry on “The Nationalists are forcing the situation (?) upon South Africa in which patriots and democrats will take up arms to defend themselves. Organised 10
geurilla armies undertake various acts of armed resistance culminating in a mass insurrection against white domination. In such a conflict, however, long and costly, the fighters of freedom must win, for they will enjoy the support of the overwhelming majority of the people of our country, and the whole word.” Was that not the aim and object of the A.N.C.? --- Yes.

Of course. We will carry on: “The Communist Party consider that the slogan “non-violence” is harmful to the cause of democratic national revolution in this 20
new phase of the struggle, disarming the people in the face of the savage assault of the oppressor, damping their militancy, undermining their confidence in their leaders. At the same time the party opposes undisciplined acts of individual terror. It rejects the theory that all non-violent methods of struggle are useless or impossible, and will continue to advocate and work for the use of all forms of struggle by the people including non-collaboration, strikes, boycotts and demonstrations./” Is that not in fact what the A.N.C. had been doing until the time it was banned? --- 30

ACCUSED NO. 2.

We tried boycotts, yes.

"The Party does not dismiss ... (continue quoting) ... majority of the people" By the way, this phrase, the 'illusion that the white majority can rule' – does it ring a bell with you? --- Oh yes it does.

What kind of bell does it ring? --- I did have a ... drafted a document which does use that phrase.

That is right. R.170. And why did you draft that document? --- Well, I drafted the document in anger when I read the statement made by Cabinet Ministers and the Sunday Times. 10

Drafted in anger? --- Yes.

What made you draft that document? --- Excuse me, I am worried about the question you are asking here. When I answer ...

Don't be worried – it is an innocent question, I promise you. --- No, no I am merely saying that when I say yes here in relation to the broad outline I am not committing myself to the question of A.N.C. IN THE sense I have already explained. Now this document ...

MR. FISCHER: I think perhaps you can show him the document.

DR. YUTAR: I am going to, I have got it here.

MR. FISCHER: It does not use that phrase.

DR. YUTAR: No, the illusion – I am referring to illusion. (to the witness) I will show you the document – you said you drafted this document in anger. --- Yes, Yes I did.

Why? --- Well because of the statements which are being made in this country about the situation, instead of considering the situation here. All that the Europeans do is merely to boast about their power. That is the thing which makes one angry.

ACCUSED NO. 2.

For what purpose did you draft this document? --- I was considering broadcasting. But it was in a draft form. It was to be submitted first to the National Secretariat and as a basis of what I proposed doing.

Just keep it – I just want to finish this quotation, and then I will come to that document. Have you got page 54? --- Yes I have.

“Whether its end is brought about by such a peaceful transition or by insurrection, the vicious type of colonialism embodies in the present Republic of South Africa cannot long endure.” “Its downfall and the victory of the South African Democratic Revolution are certain in the near future.” That is what the A.N.C. had in mind, too? --- Democratic revolution? 10

Yes. --- Yes. Possibly.

“The Communist Party unreservedly support and participate in the struggle for national liberation headed by the African National Congress in alliance with the South African Indian Congress, the Congress of Trade Unions, the Coloured Peoples’ Congress and other patriotic groups of democrats, women, peasants and youth. With them we demand the immediate ... (continues quoting) ... at this time.” 20

Is that a correct statement? --- Generally it is a correct statement.

Is it therefore, according to this – you can’t speak for the Communist Party, on the fact of it – this is what the Communist Party says is their official programme, but it says that the National Liberation Movement, headed by the African National Congress – is that correct? --- That is correct.

And the National Liberation Movement, does it not

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also include its Army of Liberation? --- Yes it does.

And the head of this National Liberation Movement is the A.N.C. --- Yes that is correct.

With its responsible leaders? ----- Correct.

Who made mistakes even in the issuing of circulars? --- No that is correct.

So what difference is there between the Communist Party policy and the policy of the A.N.C.? ---
There are fundamental differences.

As expressed here. --- Well the long and the 10
short terms – there are no differences in the short terms. The objective of working for rights for all
applies to the Communist Party as well as to the A.N.C.

Well I am only dealing with the short term – my indictment covers three years, and therefore as far
as the period of the indictment is concerned, there is no difference between the Communist Party's
aims and objects, and those of the African National Congress? --- They coincide.

They coincide? --- Yes.

Now we come to that document there (vol. 3 page 20
708). Now you have got here "The illusions of Europeans that non-Europeans will stand with their
white oppressors in the event of a crisis caused by South Africa's white supremacy is baseless and
without a foundation." --- Yes. That is correct my lord.

What would have been the position of the people such as Goldberg and Goldreich if this had
eventuated, if this is correct? --- Well you see, our approach is not just a question of colour. We
invite Europeans to participate in bringing about change. People like those are part and 30

ACCUSED NO. 2.

parcel of the people.

And tell me, how would the rank and file, who make mistakes when they bomb places and blow up railway lines, how were they to distinguish between the White Oppressors, and the white people who were not oppressors? How would they make that distinction? --- Well it is a very difficult distinction generally. They would not easily make it.

Yes. --- But it is one of the problems all the same. That is why they are being educated, that it is not a question of every white man, and therefore Don't say, if you see a white man, therefore he is an enemy.

But you admit it is fraught with a lot of difficulties? --- It is.

A lot of difficulties. --- I agree.

AT THIS STAGE THE COURT ADJOURNS UNTIL
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